Brought from the Lords. 1853.

THIRD REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED TO INQUIRE INTO

The Operation of the Act 3 & 4 Will. 4, c. 85, for the better Government of Her Majesty's INDIAN TERRITORIES; and to report their Observations thereon to The House; and to whom leave was given to report from time to time to The House; and to whom were referred several Petitions, Papers and Documents, relative to the subject-matter of the Inquiry;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

APPENDIX AND INDEX THERETO.

Session 1852–3.

Ordered, by The House of Commons, *to be Printed,*
16 *June* 1853.

627—II.

NAMES OF THE LORDS PRESENT AT EACH SITTING OF THE COMMITTEE.

Die Martis, 12° *Julii* 1853.

The Lord President.
Earl of Albemarle.
Lord Elphinstone.
Lord Mont Eagle.
Lord Wharncliffe.
Lord Monteagle of Brandon.

Die Jovis, 14° *Julii* 1853.

The Lord President.
Earl of Albemarle.
Earl of Harrowby.
Earl of Ellenborough.
Lord Elphinstone.
Lord Mont Eagle.
Lord Colchester.
Lord Wharncliffe.
Lord Wynford.
Lord Stanley of Alderley.

Die Jovis, 28° *Julii* 1853.

Earl of Powis.
Earl of Harrowby.
Earl of Ellenborough.
Lord Bishop of Oxford.
Lord Mont Eagle.
Lord Colchester.
Lord Wharncliffe.
Lord Wynford.
Lord Ashburton.
Lord Stanley of Alderley.
Lord Broughton.

Die Martis, 2° *Augusti* 1853.

The Lord President.
Earl of Albemarle.
Lord Elphinstone.
Lord Colchester.
Lord Wharncliffe.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.

Die Jovis, 4° *Augusti* 1853.

The Lord President.
Earl of Albemarle.
Lord Colchester.
Lord Wynford.
Lord Ashburton.
Lord Broughton.

R E P O R T.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE to inquire into the Operation of the Act 3 & 4 Will. 4, c. 85, for the better Government of Her Majesty's INDIAN TERRITORIES, and to report their Observations thereon to the House; and to whom leave was given to report from time to time to the House; and to whom were referred several Petitions, Papers and Documents relative to the subject-matter of the Inquiry :—

ORDERED TO REPORT,

THAT the Committee have again met and further considered the subject-matter referred to them, and have examined several Witnesses in relation to the Works of Local Improvement executed, in progress, and now under consideration; and have directed the MINUTES of EVIDENCE taken before them on this head, together with an APPENDIX and INDEX thereto, to be laid before your Lordships.

18th August 1853.

MINUTES OF EVIDENCE.

(20—III. 88.)

LIST OF WITNESSES.



Die Martis, 12° *Julii* 1853.

LORDS PRESENT:

The Lord President.
Earl of Albemarle.
Lord Elphinstone.
Lord Mont Eagle.
Lord Wharncliffe.
Lord Monteagle of Brandon.

THE LORD PRESIDENT in the Chair.

Evidence on the Government of Indian Territories.

EDWARD THORNTON, Esquire, is called in, and examined as follows:

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7461. *Chairman.*] YOU stated on a former occasion that you were the head of the Statistical Department of the India House?
I did.

7462. The principal works which have been carried on by the Indian Government have been canals and roads?
Yes.

7463. With respect to the canals, can you give any convenient division of them for the consideration of the Committee?
They may be divided into two classes, in this way—one class deriving their supply of water from the rivers, which are fed by the melted snows of the Himalayas, and the other from the rivers, which are supplied by the rains of the south-western monsoon.

7464. Can you state what are the principal rivers which carry away the snows of the Himalayas?
The first would be the Ganges, then the Jumna, and the different branches of the Indus.

7465. Can you state what use has been made of those rivers for the purpose of irrigation by canals?
The whole of the visible stream of the Jumna has been diverted from the original channel at Badshahmahal, 155 miles above Delhi, into two canals, called the Eastern and Western Jumna Canals; and those flow parallel with the parent river, and join it again at Delhi, on opposite sides of the river.

7466. Lord *Mont Eagle.*] Do you mean that the whole bed of the Jumna is dried?
It would be very nearly dry at certain times, between Delhi and the point where the waters are diverted to the canals; you do not get a navigable stream again till you get down to Agra, 200 miles below Delhi.

7467. Is not it very lately that those canals have been opened?
No; one of the Jumna canals was made about the middle of the 14th century; but both were suffered to fall to decay about the middle of the last century, and were restored by Lord Hastings between 1823 and 1830.

7468. Earl of *Albemarle.*] Is it not the fact that they are only partially restored, and that they are not put into the same condition as they were in before?
There may have been branches running from the western canal further than they do now, but the two main branches are precisely what they were. It is rather a curious circumstance, that while the whole visible stream of the Jumna is

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is diverted from the parent channel, and although no river of any magnitude flows into it above Agra, still there is a navigable stream at the last-mentioned city; and it is supposed that there is an under-current which percolates through the shingle and sand-stone, and makes its appearance lower down; and, judging by analogy, in making the Ganges Canal, which is now in hand, it is conjectured that the navigation of the Ganges will not be damaged below Cawnpore.

7469. *Chairman.*] Will you proceed with your enumeration of the rivers?
In proceeding southwards we have the Nerbuddah and the Taptee. I think no system of irrigation has been made upon either of those rivers; in fact, I doubt whether the water would be of any value for that purpose; they both disembogue into the Gulf of Cambay, and the whole of that coast is under the influence of the south-west monsoon, so that there would be no occasion to appropriate water for the purposes of irrigation. But proceeding further southward, we come first to the Godavery, and then the Kistna and the Cauvery; those are all fed by the rains of the south-west monsoon.

7470. Would they be fit for irrigation?
Systems of irrigation do prevail upon the Godavery and upon the Cauvery; and the waters of the Kistna are now being appropriated in the same way.

7471. Is the supply of water as great from the south-west monsoon as it is from the snows of the Himalayas?
I should say not; the south-west monsoon sets in sometimes a little sooner or a little later; but with the commencement of warm weather you have always the melting of the snow, so that you secure a full supply. In some seasons, moreover, the rain of the south-west monsoon has been scanty, so that the supply may not only be irregular but insufficient.

7472. What canals are dependent upon those southern rivers?
I think the whole Deltas of the Cauvery, the Kistna and the Godavery are supplied with water from those rivers. I think Major Cotton estimated the Delta of the Godavery at 1,200,000 acres, or 1,875 square miles, and I suppose the Cauvery and the Kistna would be pretty much the same. I think you might estimate the three at about 5,000 square miles.

7473. What you have mentioned now are canals already completed?
They are not canals exactly; the waters of those rivers, instead of being allowed to run to waste into the sea, are secured by a dam thrown across the river, and there they are diverted to the purposes of irrigation right and left; there are some minor systems of irrigation in the Derah Dhoon and in Rohilcund.

7474. Are there any great works of irrigation now in progress?
There is the system of irrigation on the Kistna in progress; it has been completed on the Godavery, and the working establishment was transferred to the Kistna in the course of last year.

7475. How soon will the Ganges Canal be completed?
It is expected that the water will flow in the first section in the course of this year; I suppose it will take many more years before the whole is completed. The Ganges Canal, with its branches, will measure 700 or 800 miles.

7476. What is the estimated cost of the work when it is completed?
A million and a half sterling.

7477. Lord *Mont Eagle.*] Will it be available for navigation as well as for irrigation?
When there is water enough; but supposing the whole of the water is required for irrigation, it will be employed for that purpose.

7478. But at times it will be available for navigation?
Yes.

7479. Will it be navigable on payment of tolls?
Looking at the Jumna Canals, I think there is not a great deal of navigation upon them; but I am not able to answer the question whether tolls are paid.

7480. Lord *Elphinstone.*] Can you give the Committee any information as to any new works of irrigation which have been commenced in the Punjaub?

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The Home authorities sanctioned an outlay of half a million of money for the Ravee Canal, which is in one of the Doabs of the Punjaub. I think this canal will run about 400 miles; it has only been commenced within the last two years.

7481. You are aware that there is already a channel which conveys the water of the Ravee into the neighbourhood of Umritsir?

It is proposed that Umritsir and Lahore shall both be supplied by branches from this canal, although the main channel does not pass by those cities. There are the remains of an old canal running almost parallel with this. I think the head of the proposed canal is only a few miles above Umritsir: it is to run 300 or 400 miles parallel with the river.

7482. I believe the new channel is to irrigate a part of the Doab lower down than the part which is irrigated by the existing channel?

Both Umritsir and Lahore are to be supplied from this; and if that be so, I should think the old channel would be superseded; I know that there are branches from it to both those places.

7483. Do you know the extent of the land that is to be brought into cultivation by means of this new channel in the Punjaub?

It will depend altogether upon the issue of water; it has been ascertained by engineer officers that a cubic foot per second is sufficient for the annual irrigation of 218 acres, or about one-third of a square mile; so that, if the supply of water be ascertained, it is easy to calculate what extent of area can be irrigated. The discharge of the Ravee at the source of the canal is 3,000 cubic feet per second; if the whole of that were taken away for the purposes of irrigation, it would be sufficient for an extent of country about equal to that irrigated by the Jumna.

7484. A large tract of country will be brought under cultivation by this means?

Yes. I see that, taking the whole of these rivers, the Ganges, the Jumna, the Ravee, the Chenaub, the Sutlej and the Jhelum, you get a discharge of 24,000 cubic feet per second; but it appears that the people of the villages do not irrigate the whole of the surface, they only irrigate about one-third; a cubic foot per second will, therefore, irrigate about a square mile; consequently, 24,000 cubic feet per second are sufficient for the annual irrigation of 24,000 square miles, actually irrigating one-third of it, the other two-thirds not being required to be irrigated.

7485. *Chairman.*] Do you know of any works of this description in any other of the non-regulation provinces?

There is a small river running through the Derah Dhoon, and there are two or three in Sirhinde, the Soorsutty and the Cuggur; I think there are systems of irrigation upon those.

7486. Can you state what are the principal communications by roads in our Indian possessions?

We made a return upon that subject to your Lordships' House some little time ago. I think the principal trunk-roads might be considered the road from Calcutta to Delhi, and onward to Peshawur; the road from Bombay to Agra, and the road from Bombay to Calcutta *viâ* Nagpore. I think that within the last two or three years, a system of trunk-roads has been laid down in Madras, and some progress has been made; but they have not been completed, except in one or two instances. The road from Calcutta to Peshawur would be 1,400 or 1,500 miles in length.

7487. Lord *Elphinstone.*] Besides those which you have named, are there not several roads which deserve the name of trunk-roads, although they are not of any great length; for instance, the road from Bombay to Poonah, and from Madras to Arcot; are not those trunk-roads, although they are not of equal extent with those you have mentioned?

Yes; that from Bombay to Poonah will come into the one I have mentioned from Calcutta to Bombay *viâ* Nagpore: it will go up to Ahmednuggur, and from thence to Poonah, and onward to Bombay. Then there is also a road from Juggernaut to Midnapore, which I have understood is as good a road as any in India.

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7488. From Masulipatam to Hyderabad?

Yes; an excellent one from Masulipatam to Hyderabad, constructed at the expense of the British Government; and there is another, the great Deccan road from Mirzapore through Jubbulpore to Nagpore.

7489. *Chairman.*] Are the trunk-roads generally in good repair?

The road from Calcutta to Delhi is a macadamized road; and I believe, with the exception of the Soan and the Jumna, it is also a bridge road. There are no bridges upon this road over the Soan and the Jumna. I see that a carriage dawk, leaving Calcutta for Lahore, arrives at Lahore on the sixth day, including all the delays from unbridged rivers. That will give a speed of 8½ miles an hour throughout the six days. I recollect that, during the Affghan campaign, the Governor-general's express was 10 days in coming from Lahore to Calcutta, a distance now performed in less than six days.

7490. Earl of *Albemarle.*] Are the roads available for commercial purposes?

The Delhi road certainly is: it is not open continuously to Peshawur; but the intermediate portions of it are. It is only lately that Lord Dalhousie has carried out the latter part to Peshawur.

7491. Do you recollect when that road was first commenced?

There was formerly an old road running through Bancoorah, and I think the new road must have been commenced about the year 1833.

7492. *Chairman.*] Can you give any account to the Committee of the annual expenditure upon those roads?

Taking the last 15 years, and including only roads, canals, embankments and bridges, you would have an average annual expenditure of 240,000 *l.* for the first 10 years, and 400,000 *l.* for the last five years. I see that, altogether, the whole sum expended in the 15 years was 4,49,59,921 rupees, which would give an average of 300,000 *l.* for the 15 years; but if you take the first five years, it gives an average of 240,000 *l.*; for the second five years also, an average of 240,000 *l.*; and for the third five years, an average of 400,000 *l.*

7493. Earl of *Albemarle.*] The last sum includes an estimate for two years?

It does; but there is no doubt that the estimate will be rather exceeded, because we have the Ganges Canal, for which 1,500,000 *l.* has been authorized; and the Punjaub Canal, for which 500,000 *l.* has been authorized. So that there is no doubt that, in the last two years, even that average will be considerably exceeded.

7494. What is included in the amount of expenditure which you have given?

It includes the heads of roads, canals, embankments and bridges, excluding all civil and military buildings, and excluding also the surplus ferry funds, which are appropriated to the improvement of public roads. The public ferries are in the hands of the Government, and the surplus funds arising from them by the receipts exceeding the expenditure are carried to the general fund, and re-distributed for local improvements throughout the Provinces.

7495. I presume that the cost of making roads varies very much in different districts?

In the grand trunk-road from Calcutta the cost of construction up to Delhi averaged about 1,000 *l.* a mile, and it costs about 50,000 *l.* a year to keep the whole distance in repair.

7496. Earl of *Albemarle.*] There is a vast difference between that and the Bombay Road?

Yes; that cost about 330 *l.* a mile; but the Bombay Road is what is called a fair-weather road, not a macadamized road: there are some portions of the road which cost nearly as much as a railway.

7497. But does it not yield an enormous profit by means of the tolls?

There is a toll on the Thull Ghaut; but I should doubt whether it is remunerative, because in addition to the road, the Government have to provide a supply of water; they have had to excavate large tanks, otherwise the cattle would perish; and it is very difficult to get a sufficient supply of water on the top of those ghauts. The toll of the Bhore Ghaut on the Bombay and Poonah Road has answered extremely well.

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7498. Lord *Elphinstone.*] What is the reason that tolls have not been more generally introduced upon the roads in India?

There was no law authorizing the levy of tolls till one was passed about the beginning of the year 1852, empowering the Government to levy tolls upon all roads which were thenceforward constructed or repaired; but there was no power of doing that without the consent of the Home authorities.

7499. *Chairman.*] Are there tolls upon the bridges?

I am not aware of any road tolls in India, except upon three or four of the mountain-passes, called ghauts, which I have already mentioned.

7500. Do the Government erect stations for travellers along the great lines of road?

Yes, they do, along the whole line of the trunk-road; generally speaking, they are called travellers' bungalows.

7501. Lord *Elphinstone.*] But those are only available for European travellers, and, generally speaking, they do not erect caravanserahs or choultries for native travellers?

Those are to be found in the different towns.

7502. You mentioned that tanks were occasionally made on the side of the road; has that system of providing tanks been generally followed?

I think it is only on the mountain-passes on the ghauts. It was of no use to make a road over the Thull Ghaut, without at the same time providing an ample supply of water for the cattle. I think that no less than nine large tanks were made, at great expense; it was even then found that there was great deficiency of water for the ghaut.

7503. Generally speaking, does not the charity of the natives provide tanks, and frequently choultries also?

Yes; you scarcely ever see a copy of the Agra Gazette, which is published once a fortnight, without a sheet full of the details of public works which have been established by private individuals, stating their nature, and they are generally tanks and wells.

7504. Do you know whether the road which was sanctioned some time ago, from Madras to Poonany on the western coast, has been finished?

It is now open.

7505. That must be a distance of 500 miles?

Across the peninsula it must be about 400 or 500 miles; I believe it is proposed now to make a railway from Madras to Poonany.

7506. *Chairman.*] With respect to railways, what length is there completed in the Bombay territory?

From Bombay to Tannah, and on to Calian, a little higher up, a distance of about 30 miles.

7507. Is there any other railway in any other part of India?

There is the Bengal railway; the first section must be nearly completed; that will be opened in the course of this year, running towards Burdwan and Raneegunje.

7508. What distance will that be?

Probably 120 miles.

7509. Lord *Mont Eagle.*] Are those both being constructed by private companies?

Yes, with a guarantee in both instances.

7510. What has been the amount for which the guarantee is given?

In Bengal, two millions; the interest on the first million is limited to 5 per cent., on the second to 4½ per cent. In Bombay, one million at 5 per cent., and in Madras, 500,000 *l.* at 4½ per cent.

7511. Lord *Wharncliffe.*] Is the amount of the guarantee for the second million of the Bengal line determined?

Yes; it is 4½ per cent. for the extension up to Raj Mahal.

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7512. Lord *Mont Eagle*.] Does the guarantee continue for ever?

I believe if the railway does not answer when it is completed, the shareholders are to have the option of transferring it to the Government at prime cost.

7513. Lord *Elphinstone*.] Do not you think that the East India Company would have made a better bargain to have made the railways themselves, rather than to guarantee the shareholders against loss, giving them the chance of whatever profit there may be?

I believe it is a point settled, that European Governments never work so advantageously as private companies.

7514. Lord *Wharncliffe*.] I believe the profits of the lines will be applied to the liquidation of the payments to be made on the part of the Government on account of the guarantee?

Yes; half the profits above five per cent. or other guaranteed interest.

7515. *Chairman*.] Can you state what lines are now projected?

I understand that Lord Dalhousie has recommended the immediate establishment of a line from Calcutta to Peshawur, and he has proposed to connect that with a line either from Bombay to Agra, or from Bombay through the valley of Berar to Allahabad; another line will traverse the country from Madras to Poonany, and one from Madras to Bellary and Bombay.

7516. Have any lines of electric telegraph been laid down in India?

A short one has been laid down from Calcutta to the port of Kedjeree; but it is proposed now to lay down a telegraphic system connecting the three Presidencies of Bengal, Madras and Bombay with each other, and with Agra, Lahore and Simla.

7517. Can you state at what expense this line of telegraphic communication is to be established?

At 35 *l.* per mile, or a total of 110,250 *l.* for a distance of 3,150 miles.

7518. Lord *Mont Eagle*.] Is it in the hands of the Government?

It is.

7519. *Chairman*.] Have there been any great works connected with navigation in deepening channels?

There has been one between the island of Ceylon and the continent of India, called "The Paumbum Passage," which has been deepened within the last few years at considerable expense; I think the survey of the Gulf of Manaar, which preceded the deepening of the passage, cost 25,000 *l.*, and the deepening of the passage cost about 20,000 *l.* more.

7520. Lord *Elphinstone*.] But was not the survey carried on simultaneously, and was it not necessary whether this passage was made or not?

But the survey may be considered a public work as well as the passage.

7521. Lord *Wharncliffe*.] Have the results of the deepening of that passage been very remarkable?

Very much so; I have heard that large ships now go through the Paumbum Passage, instead of going round the island as they did before.

7522. Lord *Elphinstone*.] How many feet of water are there now?

I will supply that. I know that ships of considerable tonnage go through now.

7523. *Chairman*.] What is the state of the trignometrical survey?

I think an arc of the meridian has been measured from Cape Comorin to the base of the Himalayas, about 1,100 miles; and that forms a starting point for triangulating the whole country, and for delineating its geography and topography. The great atlas of India is upon a scale of four miles to an inch, and it proceeds *pari passu* with the survey. I have seen as many as 70 or 80 sheets of it already.

7524. Lord *Elphinstone*.] What progress has it made?

It was stated in the last report, dated a year and a half ago, that the whole survey might be completed in about seven years; perhaps in five years from this time. It has cost, up to this time, about 400,000 *l.*

7525. What

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7525. What number of officers are employed upon the survey?

I think there are several sections. The only particulars I have are these: that the area triangulated to the end of 1848, amounted to 477,044 square miles, at a cost of 341,278 *l.*, or about 14 *s.* per square mile.

7526. Lord *Wharncliffe.*] Can you tell us what the present position of affairs is with respect to works upon the Kistna and the Godavery?

The works upon the Godavery were all completed in the middle of last year, and then the whole working establishment was transferred from the Godavery to the Kistna; so that the works upon the Kistna have only recently commenced.

7527. Do you know what number of acres is included in the irrigation of those rivers?

I think that, as a rough estimate, the delta of the Godavery is taken at 1,200,000 acres; and it would appear that the deltas of the other two rivers are nearly similar in extent.

7528. Have you any information yet as to the results, with reference to the revenue, from the works upon the Godavery?

Only that I know that the revenue has been increasing for several years.

7529. Was there a partial irrigation before those works were completed?

Yes.

7530. Can you state the progress of the revenue in that district, from the time at which the first portion of the Godavery works were executed?

That could be furnished very easily.

7531. *Chairman.*] How long did it take to complete the survey of the North-Western Provinces?

The survey of the North-Western Provinces must have been commenced some years ago; it was subsequently suspended. When again resumed, it occupied about five years, from about 1837 to 1842.

7532. At what cost?

The survey and the settlement together cost about half a million of money; the survey cost 235,000 *l.*, and the settlement 337,000 *l.* Every field has been measured, and the interests of the landlord and the tenant have been ascertained and recorded.

7533. What has been done in the way of experiments as to the growth of cotton in India by the Company itself?

The Committee are probably aware that some American planters were sent to India for the purpose of introducing the American species of cotton; but, looking at the results, it does not appear that there has been any increase in the export of cotton from India. If the Committee will allow me, I will read the figures of three or four years. It appears that in the year 1844-45, the export of cotton from India was 164,000,000 lbs. Then, if we go to the year 1846-47, it was 169,000,000 lbs. In the next year, 1847-48, it was 160,000,000 lbs. In the next year, 1848-49, it was 168,000,000 lbs. And in the year 1849-50, it was 165,000,000 lbs. So that comparing those different years, it appears that there has been no increase in the export of cotton. It is very curious that, although the demand from England varies 50 per cent. from year to year, still it does not alter the total export. The total export remains precisely the same; the only difference is, that in one year a larger portion goes to China, and in another year a larger portion comes to this country.

7534. Have the proportions exported to England and to China varied much?

They have varied 50, 60 or 70 per cent.

7535. Has not the export been greater to China lately than to England?

Taking the years which I have mentioned, beginning with 1844-45, it was 58,000,000 lbs. to England, and 106,000,000 lbs. to the rest of the world. The next year it was 43,000,000 lbs. to England, and 83,000,000 lbs. to other parts. The next year, 91,000,000 lbs. to England, and 78,000,000 lbs. to other parts. The next year it was 94,000,000 lbs. to England, and 66,000,000 lbs. to other parts. The next year it was 67,000,000 lbs. to England, and 101,000,000 lbs. to other parts. And the next year, in 1849-50, it was 110,000,000 lbs. to England,

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and 54,000,000 lbs. to other parts. So that, although the relative proportions alter considerably from year to year, still the total remains the same: the inference is, I think, that India can export no more at a profit; that is to say, you get all the cotton from the maritime districts, but you cannot get it from the interior with the present means of communication with the ports.

7536. Lord *Wharncliffe.*] Do you suppose that that argument would be equally applicable if the communication with the cotton districts were improved?

There is no doubt about it. Take the article of salt: salt is sold at Calcutta at 1 *d.* a pound, and at Benares, 400 miles from Calcutta, in a very adulterated state, it is sold at 2*d.* a pound. Now, I believe the Bombay Railway Company propose to carry at the rate of 2 ¾*d.* per ton per mile, which will allow a pound of cotton to come from Oomrawuttee, 400 miles from Bombay, for a halfpenny; while it appears that you cannot convey salt a distance of 400 miles at less than a penny.

7537. *Chairman.*] Have any experiments been made with respect to tea?

The original growth of tea in Assam was under the patronage of the Government, but they subsequently transferred all their interest to a Company; and the same in Kumaon, higher up in the hills, the Government has made the tea plantations, but a Company are now proposing to purchase the interest of the Government.

7538. Lord *Elphinstone.*] Have you heard anything of a survey of the navigation of the Godavery River?

I have seen notices on the Court's correspondence.

7539. On that survey being made, was it not found to be navigable several hundred miles into the heart of the Deccan?

I believe it was only a very partial survey. The Madras Government proposed to the Home authorities that a survey should be undertaken, but I do not think that a professional survey was ever made.

7540. If that river is navigable into the heart of the Deccan, surely that would bring down a great quantity of cotton?

No doubt about it; I suppose, however, that the Godavery, but for the dam that is put across it, would be dry in the months of March, April and the beginning of May.

7541. If it was navigable for three months in the year, all the cotton could come down?

Yes; it would be navigable certainly during the rains.

7542. *Chairman.*] Have there been any unsuccessful experiments, with a view to improvements, which have cost considerable sums of money to the Government?

There was an attempt to improve the breed of Deccan sheep, which ended in failure; it cost, I think, about a lac of rupees. There was also an attempt to introduce the culture of silk in Bombay, at Poonah; but that failed; the trees decayed, and the silk-worms all perished. There was also an attempt to improve the breed of Deccan horses; there was a large stud at Alligaum, which cost, during the period of the experiment, about 100,000 *l.*; but that ended in failure. All those experiments have been tried within the last 12 or 14 years.

7543. Lord *Elphinstone.*] The Company have several studs still, have they not?

They have cattle studs, and for horses too; they have one in Mysore. Although the attempt to improve the Deccan breed failed, I think the experiment is still going on in Kattywar.

7544. Do you know the proportion of stud-bred horses to purchased horses in the cavalry?

I am not aware of that; I think the army purchases must be larger than the number bred by the Government, because they are purchased not only in India, but in the Persian Gulf, the Cape of Good Hope, Australia and other places.

7545. But that is for the Madras and Bombay Armies; are not the Bengal Cavalry chiefly mounted upon stud-bred horses?

I am not aware.

7546. Lord

7546. Lord *Wharncliffe.*] In the published accounts of the Indian Government, the expenditure on public works in India appears to be comprised in an item which is stated as "Buildings, roads and other public works, exclusive of repairs," amounting, in the year 1849-50, to four lacs and above 800,000 rupees; can you say what that item is intended to comprise?

It must include civil buildings, and it must include all original outlay upon tanks, wells, embankments, canals, and so on.

7547. The object of the question is to ascertain what proportion of that item would belong to civil buildings and to military buildings, and what proportion of such expenditure can be correctly styled expenditure upon public works; namely, upon roads, irrigation, canals, navigation, and matters of that kind?

I have already read to the Committee the results of a "Statement, showing the amount expended on public works in India, comprising roads, bridges, embankments, canals, tanks and wells in each of the following years, being the latest period up to which the accounts have been received."

7548. The total amount of those items, in the account for 1849-50, would be 26 lacs and 29,000 rupees, that would be about 262,000 *l.*?

For 1848-49, inclusive of repairs of roads, but exclusive of salaries, it is 310,181 *l.*

7549. I see this division of accounts is intituled, "General Civil Charges," and therefore no military charges are included in it?

This account, which I have read, is exclusive of civil buildings.

7550. Will it be possible for you to furnish an explanation of this head?

This account which I have read is taken from the general books; we have gone over the whole of the books item by item, and made up this account from them; it is the amount spent on public works in India, comprising roads, bridges, embankments, canals, tanks and wells, and nothing else.

7551. This account, then, may be understood as representing the real expenditure upon works of public utility?

Yes; exclusively of the Surplus Ferry Funds, which are re-distributed among the different Provinces.

7552. Earl of *Albemarle.*] What proportion of the tolls levied at ferries is applied to the ferries themselves, and how much is transferred from that to other purposes of utility?

I will take, for instance, Cawnpore, in the North-Western Provinces. There are 31 Regulation Provinces in the North-West, Cawnpore is one of them; and I see that in one year Cawnpore gets 3,000 *l.* out of the Surplus Ferry Fund. I do not know whether Cawnpore would be a fair criterion of the whole; but if so, the Surplus Ferry Fund would be about 100,000 *l.* per annum in the North-Western Provinces.

7553. Lord *Wharncliffe.*] I observe that in 1849-50, the amount of expenditure, in this account, was 310,000 *l.*; and in 1850-51, 334,000 *l.*; and in 1851-52, the estimate amounted to 693,529 *l.*, showing a great increase?

In that year, a large portion of the sum which has been authorized for the Ganges Canal to the amount of 1,500,000 *l.* would be expended; and in the Punjaub 500,000 *l.* has been authorized for the construction of the Ravee Canal; and a large sum for the irrigation works on the Kistna, in the Madras Presidency, and so on; but that estimate is not ours, it is the estimate of the Indian Government.

7554. What do you understand to be the cause of the great increase?

The large sums paid by the Indian Government, during the last two years, for the Ganges Canal, the Punjaub Canal, for the works on the Kistna, and others of like character.

7555. Are you aware that suggestions have been made to the Government several times to establish a system of tolls for the purpose of aiding the construction of roads?

Yes; an Act of the Government of India was passed, either late in the year 1851 or in the beginning of 1852, empowering the Government to levy tolls upon all roads thenceforward made or repaired at the charge of the Government.

 7556. Are

E. Thornton, Esq.

12th July 1853.

7556. Are you aware whether any such tolls have been levied yet?

I think, except upon the mountain passes, the Act has not yet come into operation; but it may come into operation at any time; and whenever there is a necessity for a road, the presumption is that it will now be made.

7557. But there has been no experience at present, showing the result of the system of levying tolls?

No; the Act did not pass till the beginning of 1852, so that there has not been time. There has been no toll levied, except upon the Thull and Bhore Ghauts, and some other mountain passes.

7558. Is not it pretty well ascertained that the transit duties, which were abolished a short time ago, were originally established under the native dominion as a form of tolls, which were levied especially for the purpose of maintaining the communications?

I think not. If you look into the institutes of Menu, there you see provision made for transit duties, having reference to the length of the journey, the expense of food, the charges of securing the goods and the profits of trade, as the conditions that are to be observed, and which are to be considered by the sovereign, so that he and the merchant may receive just compensation; therefore, I think it is clear that from the first institution of Hindooism it must have been a transit duty and not a toll duty, seeing that it was to vary with the value of the commodities, and so on.

7559. *Chairman.*] Have you any other information to give to the Committee upon the subjects which have been referred to?

It might be mentioned generally that the best macadamized roads that could be constructed would not make India an exporting country, from the circumstance that the cost of transporting commodities 500 miles is so great that it will never pay unless the commodity is a very valuable one. If you were to make the best roads in the world from Agra to Bombay, you could not make India an exporting country without railways; you would still get only the produce of the maritime provinces.

7560. Lord *Elphinstone.*] Does not the opium come by the present roads?

Opium is a most valuable article: but we are speaking of cotton, sugar and other raw produce. We may judge of it from the analogy of salt, the price of which at Benares is more than double the price at Calcutta, notwithstanding all the adulteration that takes place.

7561. Although there is the finest water communication from Calcutta to Benares?

Yes; although there is a great trunk-road, and the river also; but Calcutta salt is sold at Benares at 2*d.* a pound, while it is bought at Calcutta at 1*d.*; and it is, moreover, bought at Calcutta pure, and sold at Benares in a very adulterated state.

7562. Lord *Monteagle* of Brandon.] Is there any trade carried on along the Ganges that will enable you to calculate what the freight would be?

There are returns which have been made both to your Lordships' House and to the House of Commons, showing the exports and imports of the country; but the produce coming down the Valley of the Ganges would pay well for any railway.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, Two o'clock.

Die Jovis, 14° *Julii* 1853.

LORDS PRESENT:

The LORD PRESIDENT.	Lord MONT EAGLE.
Earl of ALBEMARLE.	Lord COLCHESTER.
Earl of HARROWBY.	Lord WHARNCLIFFE.
Earl of ELLENBOROUGH.	Lord WYNFORD.
Lord ELPHINSTONE.	Lord STANLEY of Alderley.

THE LORD PRESIDENT in the Chair.

Evidence on the Government of Indian Territories.

LIEUTENANT-COLONEL JOHN PITT KENNEDY is called in, and examined as follows:

Lieut.-Col. J. P. Kennedy.

14th July 1853.

7563. *Chairman.*] WILL you state what appointments you have held in connexion with India?

I went out, in the year 1849, as Military Secretary to Sir Charles Napier, and held that appointment till he came home; towards the end of his residence there, I was appointed Consulting Engineer to the Government of India in the Railway Department; and previously to that appointment I had carried on some public works in the Himalaya Mountains. I was also appointed head of a commission to report upon the system of public works in Bengal, and the improvements of which that system was susceptible.

7564. What was the nature of those public works in the Himalaya Mountains?

It was the construction of a new road intended to do away with a very oppressive practice that existed in the Hill States, of tribute-labour for the conveyance of baggage, in consequence of the imperfection of the road which existed between the plains and our sanataria in the hills. It was likewise intended to carry this work on as a commercial road between the plains and the Thibet territory.

7565. What system did you adopt in making that road?

The reason of my taking charge of the road was, that the works which I had seen constructed in the Hills were of a most imperfect character, as well as very costly in their construction. I had had a good deal of intercourse with Mr. Edwards, who was the chief British Magistrate in the protected Hill States, and he had frequently explained to me the extreme inconveniences that arose from the want of roads through those hills. There was, in fact, no good road through any part of the territory; and after a good deal of consideration, he became convinced, from what I said to him, that it would be possible to construct such works at a moderate rate of cost. I volunteered, with Sir Charles Napier's consent, to superintend the work in question myself during the intervals of my duty as Military Secretary. Sir Charles Napier likewise permitted the officers of his staff to assist me in their leisure hours, and I had three other officers besides, who were paid. Sir Charles Napier gave me a company of native Sappers to assist me. One of the chief difficulties in carrying on works in India, is the want of an efficient supply of subordinate overseers, and my first operation was to train those Sappers as overseers, not to employ them as individual labourers, which is generally the use they are put to both in England and in India. I had but a very short time for the work; it was in June when this measure was decided upon, and Sir Charles Napier was to leave India in November;

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ber; it was necessary to give up nearly a month to the training of the Sappers, by putting them actually to do the work in the first instance, and making them take tours of direction, and thus accustoming them to the duty of overseers. After they had done that, they were placed as overseers and assistant overseers, subordinate to the officers, who had charge of districts. I had already an accurate knowledge of the country for about 50 miles on either side of Simla, therefore it cost me only a few days to lay out the line to that extent; I had only time for a very general inspection of the country beyond that, and obtained reports from officers of the districts with respect to the details of the remaining portion of the line as far as Chini, nearly 200 miles. The road was to be ultimately carried on as far as Ladak, at the northern side of the great range, and in the Thibet territory. We had thus laid the foundation for carrying on the works, and marked a considerable portion of the line very accurately on the ground. I had previously framed rules, and laid down principles for the guidance of the officers engaged in carrying on the work. Those rules and principles were afterwards printed by Mr. Thomason, Lieutenant-governor of the North-West Provinces, and I believe circulated by him for general adoption of the engineers throughout his provinces; this is a copy of those rules [*producing the same.—The same are delivered in: vide* Appendix A]. What showed me more especially the importance of thus seeking to give an example of the economical and scientific construction of roads in India was the fact of a road which was being constructed within a very short distance of Simla, to communicate between Kalka, the nearest station on the plain, and the new cantonment of Dugshai; it was a distance of about 19 miles; it had then occupied about four years in construction; it was not nearly opened, and I think the cost was somewhere about 1,040 *l.* a mile. I was certain, from my own experience, that similar roads ought to be made in those hills for a seventh or an eighth of that price: about 130 *l.* a mile ought to have sufficed. We commenced our absolute work about the beginning of July; I came away in the November following, and then the Commander-in-Chief, with his staff, travelled from Simla to Dugshai by the new road about 40 miles, it being opened then for animals, not for carriages; not effectually opened, because Sir Charles Napier's party was the first that passed over it. It was then likewise nearly passable as a bridle road for about 40 miles to the northward of Simla; and I have little doubt that I should have succeeded in opening in like manner, as a mule track, the whole line to Chini within that time, but for the unavoidable delay in furnishing us with the proper tools for dealing with rocks, and but for the failure of the Rajas in the different states in furnishing the proportion of workmen that I was led to expect; we had, in fact, only about one-half of the number of labourers estimated, and they were working for a considerable portion of the time with very little beyond their own miserable tools, so that half the number of workmen employed half the time without proper tools would reduce the effective effort to between one-third and one-fourth of what I had estimated, and certainly more than one-third of the whole mule track between Dugshai and Chini had been executed. I enter into this question because my successor, Lieutenant Briggs, in his report, states that it was impossible my anticipation in this respect could have been verified. It most assuredly would have been verified if the men and tools calculated upon had been furnished in time. Lieutenant Briggs is an officer of very great intelligence and energy, and it is much to be regretted that his constant exposure to the sun, in the zealous discharge of his duties, has forced him to come to England in search of health. His report, in general, is most satisfactory. The consideration of the enormous extent of roads which it is essential to make to promote the prosperity of India has convinced me that it is impossible for the Government to do what is required at the high rate which such works usually cost under the Military Board. There are not, probably, at present in India above 3,000 or 4,000 miles of good metalled roads, whilst the estimated amount of roads in England has been taken at about 120,000 miles. If we assume that even one-tenth of that proportional extent would be required in India, it would still give a demand upon the Government of India for the construction of about 200,000 miles. Irrigation canals are required to probably as great an extent as roads, and one-tenth of the ratio of English railroads applied to India would probably amount to 13,000 miles. It is clear that, with such vast and important requirements, the utmost economy, both of time and of money, are essential to give any hope of their timely execution.

Appendix A.

7566. Lord

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7566. Lord *Elphinstone.*] Do you know whether the extent of roads in France or in Germany, which are the most advanced and civilized parts of the Continent of Europe, bears anything like the proportion to the extent of roads in Great Britain?

I could scarcely venture an opinion on that point, but assuming such to be the case, it affords one reason why there is such an extraordinary difference in the wealth and civilization of those countries compared with England, that they are deficient to a very great degree in what is essential to their prosperity. I do not think that one-tenth of the roads of England is nearly enough for any country that is to be put into a prosperous position.

7567. Earl of *Albemarle.*] You are aware that there is very imperfect means of communication between the north and the south of France?

I believe that such is the case.

7568. And that there may be a famine existing on one side of the country while there is great plenty on the other, from the want of proper communications in France?

I am sure that there can be no more distinct cause for such derangements in any country than the want of communications; and like effects are supposed to proceed from a like cause in India.

7569. Lord *Elphinstone.*] But still you would not compare the civilization and prosperity of India with those of France or Germany?

No; and there again this fresh distinction would tend to confirm the view, for India has not a tenth or a hundredth part of the advantages in the way of communication that France or Germany has; whilst England, with ten-fold prosperity and civilization, has likewise ten-fold facilities for the production of wealth, amongst which intercommunication is the greatest.

7570. *Chairman.*] Have not the roads been rather the result than the cause of that prosperity?

I do not think prosperity could exist without them.

7571. Lord *Wharncliffe.*] Does not the cheapness of both land and labour in India form a case peculiarly favourable to the construction of these works?

Exceedingly favourable.

7572. *Chairman.*] Will you be good enough to state when your attention was first called to the best mode of economizing expenditure in the construction of roads?

My attention was first called to it when I was a very young officer of engineers, having been invited by Sir Charles Napier on his appointment, about the year 1822, as Resident (Lieutenant-governor) of the island of Cephalonia, to go out as his secretary, and also in charge of the Public Works Department of that island. The revenue of the island, I think, was about 30,000 *l.* or 32,000*l.* a year; there was everything deficient in it; I do not think there were more than three miles of carriage road in the island; there were none of the public buildings which were essential; the harbour was deficient in every way; there were no lighthouses or quays; in short, there was nothing that indicated the pre-existence of a civilized Government, either in the physical condition of the island, or in its administrative departments; therefore, when we commenced our works there, it was essential either to leave undone a great proportion of what was necessary, or to find out the most economical principle that could be imagined upon which to effect them. We had got possession of the island, I think, in the year 1815; up to the time when Sir Charles Napier went there, there had been nothing done; within seven or eight years he constructed roads through every part of the island, and his principle was taken up by the other islands. He likewise established a quay along the whole extent of the town in the harbour at Argostoli; he had a lighthouse in the form of a Grecian Doric column, about 90 feet high, built at the entrance to the exterior harbour, at a cost of 753*l.*; and a second lighthouse was placed at the entrance to the inner harbour; its form was that of a circular Grecian Doric temple, with 20 columns; the cost of this was 117*l.* These are designs of those, and other buildings that he erected in Cephalonia [*producing drawings of the same*].

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7573. Lord *Elphinstone.*] What were the materials of which those buildings were constructed?

Something like Bath stone. In Cephalonia, the greatest economy was essential in the construction of these works, because the funds of the island were very limited; about one half of them being devoted to the cost of the local Government and to the various public works, the other half going to the general Government at Corfu; so that there was only about 15,000 *l.* a year for all the expenses of the Government and the public works.

7574. Lord *Colchester.*] Were not many of those roads carried over a mountainous country?

Yes; there were several ranges of mountains. The highest pass over which a road was carried was about 3,000 feet high, and the highest mountain summit about 5,000 feet. There were many other works constructed, including a large prison built on the panoptic principle, at a cost of about 8,000 *l.* I trust I may be excused in mentioning these things; but as all that I have to say, with reference to what should be done in India, depends upon economy in the construction of public works and roads, I thought it essential that I should show something more than bare theory upon which to base my opinions.

7575. *Chairman.*] Will you state in what way you were able to economise in Cephalonia, and how you were able to apply the same principles to India?

The first thing I did was to get a number of privates and non-commissioned officers of the regiment serving in Cephalonia, and to train them; when trained, they were placed as overseers, with distinct written rules for their guidance, in charge of parties of labourers in different parts of the island. I was very accurate in laying out the work myself for the various parties; we had about 17 or 18 different parties detached. The rules, of which I have given in a copy, in reference to the works in the Himalaya Mountains, were based upon those I had long since established in Cephalonia, with such differences in detail as local circumstances required. In Cephalonia there was a road fund established, to cover the expense of overseers, artificers, tools, &c., by the payments of rich people; and the labouring class gave their personal attendance at the work about one day in every month; by these means, and by economising and regulating the work, we got a very good result from the labour we employed. We were very particular in the mode of mustering the men, and placing them at proper intervals to work, so that the precise labour of each man during the day could be accurately ascertained before his dismissal in the evening.

7576. Were those the principles which you adopted in carrying on the construction of this road in India?

Yes; the chief difference was, that in India the company of Native Sappers, placed under my orders, were trained and employed as overseers. In Cephalonia, we had no Sappers, and we used private soldiers of the British regiment serving in the island.

7577. Was the economy which you effected entirely owing to this new mode of arranging the labour, or did it proceed partly from any difference in the mode of constructing the work?

It was from both; there was great attention paid to laying out the work. Generally speaking, in laying out such works, the lines are not sufficiently defined, so as to enable every overseer and labourer to see by a line marked on the ground, or by pickets with strings between them, precisely the levels and sections over the whole extent of his work. A vast amount of labour is wasted in many works by doing and undoing, first cutting down what is not required to be cut down, and then filling up again, also by filling too high and then cutting down again. The principle which I established, as just described, for laying out the work avoided those sources of waste. The foundations and slopes of revetment walls, where required, were likewise marked off by numerous pickets placed with the regulated inclinations, before the men were brought to execute the work. All being thus prepared for large working parties, their industry was secured by a strict observance of the rules already referred to as established for the guidance of overseers, &c. It is difficult to estimate the cost that want of such rules entails; it is illustrated generally by the crowded state of working parties. The waste in the Irish relief works originated in that; I have

I have seen men so crowded, that if they were to work effectually, they could only do so at the risk of maiming each other; that I saw in the Irish relief works, and that I likewise saw in the Indian works in progress under the Military Board. I recollect that, in riding past a place where several hundred men were supposed to be at work, they were ordered to fall back from where they were working to allow us to pass. They appeared to be very nearly three deep, as close as they could stand: it is impossible that men can work when they are placed in such a manner.

7578. Lord *Elphinstone*.] And there would be much time wasted in talking and chattering together?

Yes; unless you can see precisely what each man does separate from others, he has no object in working.

7579. Lord *Wharncliffe*.] From the result of your experience in the construction of those works in Cephalonia, can you state at what average rate per mile roads can be made under those circumstances?

I do not recollect the exact cost of the Cephalonian roads, but it was small; in our Hymelea works, it was sometimes convenient to estimate the expense of a road by the number of days' labour employed upon it, and not always by the actual money cost, because a great portion of that work was done by tribute-labour. Our treaty required that the protected Hill States should, when called upon, supply tribute-labour for the construction and repair of roads, as well as for the transport of public baggage. This was a serious inconvenience to the people, and its removal was one of the chief reasons why this road was sanctioned by the Governor-general, for as soon as the road is constructed, the baggage of the troops and of public departments can be conveyed by beasts of burden and carts. Upon the old road it was impossible to do that, and therefore the only mode of transport was by making men do what was wanted.

7580. *Chairman*.] To what amount did you reduce the expenditure per mile upon the road?

I had estimated the expenditure for a road 18 feet wide reduced to 12 feet at cliffs, at about 130 *l*. per mile, supposing the whole labour paid for; a great deal of it was tribute-labour.

7581. Does that include the labour in preparing materials for the road?

Yes. But I did not recommend that the roads should all be made at that rate; only the roads immediately required as carriage roads, because, looking at the large demands for public works in all parts of India, even 130 *l*. a mile would be beyond what it would be reasonable to expect the Government to afford for all the roads that are required in the mountains, and, therefore, I recommended that a mere mule track, laid out upon the best possible level, the maximum being 3 in 100, and capable of future enlargement to a carriage road, should be the general rate of construction; that it should be eight feet wide, with frequent passages of about 12 feet wide; and I estimated that a track of that description could be constructed at an average of 1,682 days' work per mile. Lieutenant Briggs' last Report shows, that an average mile of 12 feet road costs 155 *l*., supposing all the labour paid for. The actual money paid, deducting the tribute-labour, was 123 *l*. a mile. His experience of a six-feet road was, that 3,585 days' labour were requisite per mile.

7582. Earl of *Ellenborough*.] What is the nature of the soil, generally, that you had to cut through in constructing the roads?

There are great varieties of rock, amongst which are granite and slate of different qualities.

7583. What you cut away made the materials for the road?

There was no difficulty in getting materials; the difficulty was to get rid of them. There were ample quantities of stone. It was not like the districts in the plains, where the great difficulty is to get metalling.

7584. Lord *Wynford*.] Was there a great deal of blasting required?

Blasting was everywhere required to a very great extent, and in many places it was requisite to blast the whole width of the road along the face of perpendicular cliffs.

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7585. Lord *Wharncliffe.*] Are you acquainted with the roads in the Deccan?
I have never been in the Deccan.

7586. Lord *Colchester.*] Does your estimate include the expense of superintendence and of the powder for blasting, or is it merely for the labour?
The estimate of Lieutenant Briggs included the whole, with the exception of powder and a portion of the tools received from the Government stores.

7587. Did your estimate also include the whole?
Yes, with the same exception of tools and powder; and I think I calculated a lower rate for superintendence, as I had the gratuitous assistance of several officers on the work.

7588. Earl of *Ellenborough.*] You had no difficulty in getting rid of the surplus materials; you pitched them over the side?
We had no difficulty whatever in that.

7589. *Chairman.*] Had you any tunnelling?
We had one tunnel which has been cut through, and a second projected, but not yet commenced.

7590. Lord *Mont Eagle.*] Do not you consider that a man working voluntarily would give you a better day's work than a man working at tribute-labour?
I do not think it makes any very material difference. It depends almost entirely upon the species of superintendence established, no matter what you pay them. There is one thing to which it is necessary to refer here, in seeking to establish a minimum rate of cost in this class of work. Lieutenant Briggs's executed work agrees pretty nearly with my estimate in the wider road, where we both pursued the same course; but there is a considerable excess of labour in his construction of the mule track, as compared with my estimate: He thought it desirable to add retaining walls, which I had omitted, in constructing the mule tracks, and his day's work per mile appears to be double the amount of mine. I thought the retaining walls were not necessary here, because where the tracks are widened into carriage roads, other walls, surmounted with parapets, would then be built outside of them, and in the meantime the tracks would be as useful without retaining walls.

7591. Lord *Elphinstone.*] But when the hills are so steep as they are in the Himalayas, is not some sort of revetment necessary?
The tracks by which the traffic is at present carried on are so very dangerous, that ordinary beasts of burden cannot be employed. The produce is carried in baskets, on the backs of human beings, or in little bags slung over the backs of goats and sheep, the load of each little animal being eight pounds. Flocks thus loaded have to clamber up steep stairs, fixed on to the faces of cliffs that are perfectly frightful, so that none but people accustomed to the high lands would venture over them. Sometimes you find as much as a quarter of a mile with excessively high steps and very narrow treads, generally not above two or three feet wide. From Narkunda towards Cheenee, such specimens of road are met at intervals of about 20 miles. Now, where the existing roads are of that nature, and when one reflects how extensive are the demands for improvements in every district of that vast empire, every shilling that can be saved in the cost of works becomes important.

7592. Earl of *Ellenborough.*] Are communications of this description now made between the military stations in the Himalayas?
There is a great deal being done in the neighbourhood of Simla; the new road will, when completed, connect all those stations.

7593. Is there any road passable by carriages from Subathoo to Cashepore?
None, that I am aware of.

7594. Lord *Wharncliffe.*] What material do you use for the purpose of making the surface of these roads?
Stone; varying according to the locality.

7595. Was it broken in the same way as a macadamized road is made here?
There was always sufficient *debris* from making the road to give an excellent surface: I think, for the reasons I have stated, it would not be advisable to go to any great expense for the surface of the road until carriages come into general use.

7596. Earl

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7596. Earl of *Ellenborough.*] Was there much wood along the line?

Yes; they got the wood for Dagshai Barracks from the Simla Mountains.

7597. Was there much wood in the district through which you carried the road to Cheenee?

In some parts of it there was magnificent wood; similar to the Deodar of the Simla Mountains.

7598. What was the inclination of the road where there were hills?

The maximum inclination of the slopes was 3 in 100, which is about the gradient that used to be adopted for the mail-coach roads in England.

7599. Had you any tunnel?

In the neighbourhood of Simla there was a point where it was advisable to make a tunnel, and, in reference to railway works, I was anxious to show that cheap tunnelling could be effected as well as cheap road-making. The length of this tunnel was nearly 200 yards; it was chiefly done by convicts supplied by Mr. Edwards; the convicts were divided into two parties, and we commenced to open the tunnel at each end; they very soon bored through the rock a safe prison for themselves, and a cool place for working in during the summer. The whole of the day-work was executed by convicts, who relieved each other every six hours; but we were obliged to employ paid labourers for the night-reliefs, because it was not the custom to employ the convicts at night-work, although there would be no hardship or inconvenience in doing so. The tunnel, 560 feet long, cost, as stated in my successor's report, about 61 *l.* This did not include the value of the powder, or of a portion of the mining tools, which were furnished from the Government stores. The rate of excavation was 2·71 cubic feet per man per day. This rate applied to the construction of a tunnel for a single line of railway, and supposing all the men to be paid at the Indian rate of 3 *d.* per day, would make railway tunnelling, for a single line, cost about 4 *l.* 7 *s.* per yard forward, or about 7,700 *l.* per mile, exclusive of cost of powder.

7600. Lord *Mont Eagle.*] Do you consider that a high price for tunnelling?

No; it is a very low price; but if the whole work were executed by convicts, the whole of this cost, except a small amount for artificers' work in repairing tools, would vanish. It would be a most interesting and useful application of convict labour if the Government were to permit the railway company at Bombay to employ the gratuitous labour of the Bombay convicts in effecting the herculean operation of tunnelling required for ascending the Ghats to reach the Deccan by first-rate gradients. My impression is, that when I left Simla, we had been working at a more economical rate of labour in the tunnelling than that returned by my successor in his report; but the expense of course was greater after I left, because up to that time the runs for the trucks were shorter than afterwards, and, therefore, it must have become more expensive as they got further from the mouths of the openings.

7601. Earl of *Ellenborough.*] Is it not possible that the officer who made the estimate may have taken the expense of the more difficult part of the work, and by mistake carried it over the whole as an average?

I think not, because his calculations must have been made from the official records of actual work done.

7602. Have you any experience of making roads in the plains in India?

No, I have no practical experience, but I have had a good deal of consideration of the subject from having sat at the head of the Commission which made a Report to the Government upon the Public Works generally in Bengal.

7603. *Chairman.*] Did you find that the labour of convicts was useful, and that it was a profitable sort of labour to employ?

Very good labour indeed, and, if properly applied, it is capable of producing most important results. I think that is a particularly interesting fact in the present state of things in this country, referring to the intended abolition or diminution of the application of transportation to penal settlements, and to the necessity of introducing a substitute for that punishment.

7604. To what extent did you find the natives qualified to act as superintendents of the work?

I found them very clever indeed, but requiring distinct training and well-

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defined rules for their guidance, and I found them full of energy. If your Lordships will allow me, I will give a description of the enduring physical powers of native Indians which I witnessed: in one of my tours connected with the examination of the railway lines between Calcutta and Benares, I found myself somewhat pressed for time at Patna, where the usual 10 mile dawk ceases and I was obliged to employ a party of palanquin coolies to go to a point on the River Soane, 25 miles distant, and to return the same day; that is, the same men were to take us out and bring us back in our heavy palanquins, making 50 miles altogether. We started in the morning, and were just 16 hours absent under a very hot sun; they gave us four hours to examine the river at the middle of our journey, and they came back, having completed their 50 miles in 12 hours of actual travelling; they did not exhibit the appearance of oppression or fatigue, and they did not appear to think that they had done anything extraordinary.

7605. Lord *Wynford.*] How many reliefs had you?

There was a party of 20 to each palanquin; I do not think any man was above five minutes under bearing at a time, but I was never more struck with the energy of any people than I was upon that journey. A friend of mine made the journey from Bombay to Agra, where they have no regular dawk; he was obliged to take on the same party for several days together, and travelled 300 miles in 10 days, which is 30 miles a day, with the same party.

7606. *Chairman.*] On what sort of food do they live?

When they have those long journeys, in addition to their usual food, I have heard that they consume considerable quantities of a preparation of opium; and when they come to the end of the journey, they are much exhausted, and they take a considerable time to return to their homes.

7607. Earl of *Ellenborough.*] Will you state what occurred to you with respect to the manner of making roads in the plains?

In the case of a hill road, the chief cost is in the formation. In that of the plains, on the contrary, the cost of formation is small, that of metalling considerable. The metalling of the roads in the plains is a matter of some difficulty, but the practice has generally been to metal the road with burnt clay. I think that, even in our railways, we shall often have occasion to come to that, because there is great difficulty in getting stone. In many districts there is what is called cunker, a sort of limestone, which is very useful, and makes a good surface; but I think generally in the plains we shall have to calculate upon burnt clay.

7608. At what expense can you lay down a road with burnt clay?

I forget the precise rates.

7609. Those roads which have been made are not very broad?

They are wide in their general form, but the part metalled is not very broad; I think there is at least 15 feet of metal.

7610. Lord *Wharncliffe.*] Does that burnt clay stand the rains?

Yes, it stands the rains pretty well; but with very heavy traffic it soon wears.

7611. Earl of *Ellenborough.*] Have you seen the road from Burdwan to Hooghly?

Yes.

7612. Did you ever see a worse road?

It was bad; but I believe there has been a good deal of improvement upon it lately.

7613. Is there not extremely heavy traffic upon it, coal traffic?

There is heavy traffic upon it. The coal, I believe, for the most part goes by water.

7614. Lord *Wharncliffe.*] What is the actual condition of the great trunk road from Calcutta to Allahabad?

The condition of it from Calcutta to Allahabad was not uniformly very good when I came down. I have understood that there is a great improvement upon it since, and great improvement likewise in the mode of travelling. The last time

I came

I came down I travelled in something like an English stage-coach drawn by 16 coolies. The old palanquin is a much preferable conveyance. *Lieut.-Col. J. P. Kennedy.*

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7615. Earl of *Ellenborough.*] Did you ever put your palanquin on wheels?
Yes.

7616. How fast did you go then?
I have seldom travelled faster, except on railways, than by horse dawk, from Allahabad to Meerut. I have gone at the rate of 10 miles an hour there: but that was the only portion of the road where such a rate of speed could be accomplished. The surface of the road was beautifully smooth and hard, and the line level.

7617. Were you pushed along at the rate of 10 miles an hour?
I timed several of our stages at 10 miles an hour; it was a horse dawk, not coolies.

7618. When you were pushed by men how fast did you go?
They went not, I think, beyond three miles an hour; not anything near so fast as the usual palanquin, particularly in the heavy parts of the road. In travelling up with the Commander-in-Chief, some of us had palanquins, and others had four-wheeled carriages impelled by coolies; the palanquins invariably beat the four-wheeled carriages.

7619. Earl of *Albemarle.*] In what state are the bridges on the great trunk road from Calcutta to Delhi?
The bridges in general are very good. There are one or two bridges that were down, and not repaired when I came.

7620. Are you aware what width they are; can two bullock carts go across them at once?
Yes, they are fine stone bridges. Perhaps your Lordship's question refers to suspension bridges. There have been some failures in the iron suspension bridges; but the stone bridges are very fine works in general.

7621. Lord *Wharncliffe.*] There are two or three bridges that have been washed away; are they in situations in which it would be easy to repair them, or in which it would be a very considerable work?
I do not consider that there is any great difficulty in repairing them.

7622. Can you form any opinion as to the outlay that would be necessary to restore the communication across those gaps where the bridges have been washed away?
I cannot say, but I do not think that it ought to be a matter of any great difficulty. As far as I recollect they were not over very wide openings.

7623. Are there not two or three places of that kind which entirely interrupt the continued communication?
There were ferries on them when I passed through the country.

7624. How long has that been the case?
I think there were two gaps when I came down two years and a half ago.

7625. Before those gaps occurred was there any wheel communication along the road?
I think not; I believe the first approach to a wheel communication was what I have mentioned as resembling a stage-coach hauled by coolies, and that was inferior to the ordinary palanquin.

7626. What is the actual substance of the road; is it a macadamized road?
The surface is chiefly made of that description of limestone which I have mentioned, made into a sort of concrete; it is a very beautiful surface when you have got it. There is very heavy traffic upon the upper line; they have now regular stage-waggons there.

7627. You mean above Allahabad?
Above Allahabad. Those stage waggons are generally adopted by travellers there; and I believe they are always full.

7628. What is the difference in the condition of the road itself, above Allahabad, and below it?

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The road above Allahabad was in Mr. Thomason's district. I do not know to whom we are indebted for the horse-dawk there, but I imagine that the road was brought up to its present high state of perfection to meet the capabilities of that 10 miles an hour dawk which has been established upon it. Below Allahabad there was no horse-dawk, with the exception of the letter conveyance, when I was in India. I think the attempt to introduce quick traffic has been the cause of greater attention being paid to the road above than below Allahabad; some portions of the road below Allahabad were very good, but there were portions which had not then been metalled. When I came down the road last time, however, there were several parties of labourers at work, metalling those parts.

7629. Earl of *Ellenborough.*] What is the state of the road between Allahabad and Benares?

From Allahabad to Benares, it is very good. I think the whole of the road, from Benares to Meerut, was as good as I ever saw in any country.

7630. Lord *Wharncliffe.*] Are you acquainted with the line which was opened for a mail road between Bombay and Calcutta?

No. I think the dawk was always carried by coolies on that road, when I was in India.

7631. *Chairman.*] What is your opinion as to the probable return for the expenditure upon the public roads?

It is very difficult to estimate a direct return for the expenditure, because I trust that tolls would never be put upon any new road in India. I think that would have an injurious effect: it is trying to create traffic and to encourage commerce by one set of operations, whilst you repel them with another. I do not see how you can calculate upon a direct return from the construction of roads; but I imagine that a most extraordinary indirect return must arise, that commerce, manufactures, and everything connected with the prosperity of the country, will repay the outlay for roads a hundred-fold. I do not think it possible to estimate the amount of the indirect advantages.

7632. Earl of *Ellenborough.*] Unless the toll be placed upon the road at a bridge, is it not impossible to levy it?

It is very difficult to levy it. It is always a subject of difficulty, in the first establishment of a road, that very little traffic goes on; traffic has always to grow up, as a consequence of the road. If you impose a toll, you have all the expense of the establishment requisite to levy the toll; and I have heard of instances where, for many years, that expense was supposed to absorb the whole revenue collected.

7633. Lord *Wharncliffe.*] Has not authority been lately given to the different Presidencies to levy tolls upon roads where they think it expedient to do so?

I am not aware. I think there has been a good deal done to lighten former tolls upon merchandize which existed.

7634. Earl of *Ellenborough.*] Is there not a toll levied on passing ferries?

I think there is a toll on the ferries already referred to.

7635. When a bridge is built where a ferry was, is the same toll taken that was taken before?

I am not aware whether that is the case; but I think the tolls that were levied generally, were not with respect to the repair of roads, but merely as an item of revenue.

7636. Earl of *Albemarle.*] An additional tax, in fact?

A tax. I speak of the old tolls which were levied upon the Ganges.

7637. Lord *Elphinstone.*] But the transit duties have been abolished for some time?

Yes, I believe so.

7638. But the proceeds of the tolls now taken at those ferries are given to the district officers, to form a fund for making cross roads, are they not?

That was the intention, I believe; but I do not think they have been generally applied in that way. I have heard that in the North-Western Provinces there is one per cent. upon the revenue given to the roads.

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7639. Lord *Wharncliffe.*] Apart from the difficulty of collecting those tolls, why do you think that a system which has been adopted generally in European countries, and which is in operation in this country universally, should be so entirely inadmissible in India?

I think it must always tend to impede travelling and commerce, and the transit of articles in countries where there is not a decided spirit of enterprise and speculation existing.

7640. Earl of *Ellenborough.*] You think that the state derives more advantage from the freedom of commerce than it does from the tolls?

I think it does. I have seen a good deal of the toll system in Ireland, and there it had a very injurious effect; for in some districts I know, the people objected, very foolishly, to do work which might be profitable, because they had to pay a toll.

7641. Lord *Wynford.*] Is not the toll often made a ground of extortion by the natives?

I fancy the old principle of revenue tolls was, but that, I believe, is abolished.

7642. Is not it the case still with the ferries?

There may be something of that sort, but I cannot say so from personal experience.

7643. Lord *Elphinstone.*] Are you aware that, in Ceylon, we have made some roads, and that the tolls not only pay all the expenses of those roads, but that they actually afford some revenue?

No, I am not aware of that. I think the only sound principle of roads is to make them, and to leave all the world to travel on them freely. I feel convinced that that would be the most profitable to the Government and the people in the end.

7644. Lord *Wharncliffe.*] Looking at the enormous extent of India, do you think it desirable that the Central Government should be responsible for the construction and repair of all the roads in the country, without any assistance from local funds?

I think that the Government is distinctly responsible for this most important of all branches of administration, as roads are the first indispensable preliminary to national improvement and progress in other matters. It is only a central or general government that can lay down a proper system of roads, because the roads of small districts should be laid out with reference to a general system. The cost of construction must of course fall in one way or other upon the people, either by payments from the public revenue, or if the revenue be deficient, and the people incapable of further taxation for the object, but possessing unemployed time, of which they cannot profitably dispose, then by personal or tribute labour. If we wish to foster enterprise, when that quality is deficient, the roads should be free from toll afterwards. Tribute-labour is understood now amongst the Indian people, and the principle upon which the new road in the Himalaya mountains has been done was partly by that means, one distinct object being to get rid, by that very process, of tribute-labour altogether. The first great effort of establishing roads in a country where the people are poor and unemployed, assuredly justifies the application of tribute-labour for that vital object; and there can be little doubt that the maintenance of the roads afterwards could be borne by the public revenue.

7645. Does your experience lead you to the conclusion that tribute-labour is as effective and as good as paid labour?

It all depends upon the superintendence established. I do not think it is desirable to have tribute-labour if the public finances can bear the cost of paid labour, particularly in India, where you get labourers for 3 *d.* a day; but I think the employment of tribute-labour, for this one object, is better than leaving the country without the power of easy and profitable intercommunication.

7646. Supposing an extensive system of cross roads to be carried out in India besides the main roads, do you think it would be desirable for the Government to superintend the construction and management of those roads rather than to commit it to the local authorities by the aid of local funds?

Everything should be placed under local superintendence; but I think it most desirable that Government should look to the laying out and construction of

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of the cross roads, as well as the general roads, and leave any part of this subject to the discretion of local bodies, who are totally unfit for executing such a trust.

7647. *Chairman.*] Independently of the question of whether it would be desirable that local funds should be found for making roads, either by tolls or in some other way, is not there this great difference between the system adopted in England, and any system that could be adopted in India with regard to raising tolls, that in England the roads pass through an inclosed country, with fences on each side of the road, so that persons going from one town to another must pay toll; whereas the roads in India pass through an open country, so that persons passing along the road can easily, if they please, avoid the payment of the toll?

Yes, in the plains this is so much so, that what is called the road is frequently the only part upon which people do not travel.

7648. Lord *Elphinstone.*] You said that everything should be placed under local superintendence; do you mean by that, more localised superintendence, or central superintendence at the Presidency?

I think that in India everything must go from the centre; it is not a country that can well be managed at present under municipal arrangements; everything must go from the centre.

7649. But you are aware that the ancient system of the country was pre-eminently municipal, every village managing its own affairs, and every local governor having entire control and authority within his own province?

The result of that system, as regards roads, the first preliminary to the production of wealth and civilization, is, that nothing was done, and that the people are now poor, and, commercially speaking, shut up in their respective districts.

7650. *Chairman.*] Will you state the constitution of the Military Board which you have mentioned, which superintended the construction of public roads?

I have great pleasure in saying that I believe that system is at an end, or at least that the important branch of public works has been taken out of its jurisdiction; our commission recommended that course, and I understand that our recommendation has been adopted by the Government, and sanction has been given by the Court of Directors to the Supreme Government to carry measures nearly analogous to what we recommended into operation.

7651. Lord *Elphinstone.*] Did they not superintend all the roads in the Presidency?

The Bengal Military Board consisted of four members, namely, the Chief Engineer, the Commandant of Artillery, the Commissary-general, and a stipendiary member. They had charge, first, of public works; second, of the army commissariat; third, of the studs for supplying horses to the cavalry, artillery, &c.; fourth, of the ordnance, including the foundry, the gun-carriage agency, the powder-mills, the arsenals, and the military equipments of the army, with the exception of clothing. Three members of this Board, namely, the Chief Engineer, the Commissary-general and the stipendiary member, directed the public works department, and audited the accounts connected with it; thus there were two unqualified members who could at any time outvote the one qualified member upon the most important engineering question that could arise. The consequence was, what might naturally be expected, public waste, confusion and delay, with much oppressive inconvenience and danger to the officers employed in the execution of works; in fact, we had no alternative but to urge a total change of the system. What we recommended was, that in each Lieutenant-governorship there should be an individual responsible officer charged with the whole conduct of the works, with a sufficient assistance of subordinates.

7652. Earl of *Ellenborough.*] Did you look back to the constitution and mode of proceeding of the Military Board in former times?

We went pretty closely into the investigation of the history of the Military Board.

7653. Lord *Wharncliffe.*] Are you aware whether the changes recommended in your Report have been adopted by the Government of India?

I have

I have been told that orders have gone out to India to carry the recommendations, based upon that Report, into operation by the Supreme Government.

7654. But you have not heard of their being actually carried into operation?

I have not. With regard to commissions, I have served with several, both executive and deliberative, and I believe that the best commission, composed of the ablest and most conscientious men that can be put together, is still a very bad head for an executive department. As a deliberative body, a commission may be useful, although, I think, its recommendations seldom offer more than a compromise of antagonistic opinions, without consistence as a whole; but of all the commissions I ever heard of, the commission for managing public works in India was the worst constituted, and its practice perfectly accounts for the difficulty that the Indian Government must have had in any effort to extend useful public works.

7655. When you talk of the Commission for managing Public Works, do you mean the Military Board?

I mean the Public Works Committee of the Military Board, composed of one engineer, and two other members who were not engineers.

7656. Earl of *Albemarle*.] Do not you attribute the enormous expense of the Delhi road to the Board under which it was formed?

I think a good deal would be owing to that; but it is necessary to go a little into an analysis of the construction of public works before I can answer that question. There are two different ways of constructing public works: one is by contract, the other is by private agency, that is, employing an engineer, and letting him execute by day-work, or in any other manner. A contractor who takes a work either makes money or he loses, and may enrich or ruin himself: he has so direct and strong an interest at stake, that he will use his talents to the utmost degree, in order to save himself; the consequence is, that the arrangements of a contractor are always good; he always goes into every minutiæ, taking care that he gets a full day's labour for the wages that he pays; unfortunately it is frequently different in the case of an agent who is acting for another, without attributing the least dishonesty or impropriety; but there is that difference in our motives, that we do not think so minutely of money that we pay out on another man's account as we do of our own, especially when our own ruin or wealth depends upon it; consequently, you rarely see labourers in works carried on by day-labour under an agent so well managed as a contractor's party: I think that that is one great cause why the works ordinarily done by day-labour under engineers are more expensive than those done by contractors. We do not know what the contractor's actual cost is, because he takes care not to acknowledge how much he has expended, or what have been his profits. The profits, however, must generally be very great. There is nothing to prevent an engineer from looking as closely to his expenditure and to the arrangements of his work as a contractor does, and if he did so, the profits of the contractor would go into his employer's pocket.

7657. Lord *Wynford*.] Is the system of contract being adopted to any extent in India?

There are efforts being made with that object; Colonel Tremenheere, I think, told us that they had been successful in establishing contracts in some parts of his district in the north-west of India. We recommended in our report that the effort should be made universally; because, even supposing the contract price is high at the first introduction of the system, competition will soon bring it down. One thing which I urged strongly in my railway reports was, that contracts should be made very limited in their extent; because you cannot get extensive competition in India, except for small contracts; there are not many large capitalists in India, and if you have the large contracts, which most railway engineers are anxious to establish, because it saves them trouble, you introduce a monopoly amongst the few capitalists who would be found capable of undertaking extensive works.

7658. Lord *Wharncliffe*.] Are you aware that contracts have been given to native contractors for the railway works in Bombay?

I am not aware of the details in this respect on the Bombay side of India.

7659. Lord *Elphinstone*.] Would you not find it difficult to meet with people capable of taking contracts in the country districts?

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I think they will be obtained if the tenders be called for with judgment; but a great deal of trouble must be taken, in the first instance, to fit the work to the capacity of the people who are expected to make tenders for it. For instance, I would insist upon separate contracts for embankments and cuttings, and separate contracts for masonry. If we seek to bring forward the Indian people to do the work themselves, we must rear them to it in that way, though it will give us a good deal of trouble to do so.

7660. Earl of *Ellenborough.*] What is your opinion of the manner in which the public buildings have been executed?

I have not seen much in detail of the buildings in India.

7661. Lord *Wharncliffe.*] Is there not additional difficulty in India, with respect to contract work, from the necessity for a great deal of superintendence?

There is a great necessity for it.

7662. More than would be found in European work?

The small contracts would require an additional amount of superintendence, and all that must be calculated upon; for I saw in the evidence that came before us upon the general subject of public works, that it is exceedingly wanted. In the repairs of embankments there is an opening for fraud from the want of proper contractors to undertake repairs.

7663. Earl of *Ellenborough.*] Do you know the buildings at Umballa?

I do, generally speaking.

7664. Did they appear to you to be built in a way to be likely to last a considerable period?

Yes; I think they appeared pretty well built.

7665. Do you think that the more recent buildings are as well built as the old ones; for instance, the old works at Ghazeepore and Dinapore?

The new barrack buildings at Dagshai and Lahore were the last I saw, and I thought they were well built.

7666. What material is used in the buildings?

Bricks at Lahore; stone at Dagshai.

7667. Are the bricks generally of a good description?

Yes; I think the bricks that I saw were generally of a fair quality. In Colonel Cautley's works on the Ganges Canal he was successful with his bricks.

7668. Lord *Elphinstone.*] Is not the mortar particularly good?

Very good.

7669. Lord *Wynford.*] Is it the sun-dried brick?

Sun-dried brick is only used in temporary buildings, and ought never to be used in any sunk foundation. What are intended for durable buildings are generally of burned bricks.

7670. Lord *Elphinstone.*] In making the surface of a road with brick, would you pave the road with bricks, or would you break them up?

I think it is better to pave the road with bricks on end. If the brick or burnt clay is broken small, the action of the wheels is more likely to grind it into powder.

7671. Earl of *Ellenborough.*] What material is used in building bridges in India?

Generally stone, in the districts where they have stone, and in other places, brick.

7672. Does that brick stand well?

I think it does when it is properly burnt.

7673. Are not there many ancient buildings at Agra, for instance, internally of brick and externally of granite?

I do not recollect making that observation. It struck me that the ruins of the old mausoleums were of brick entirely. I do not recollect seeing stone, except in the beautiful marble facing of the Tage.

7674. Lord *Wharncliffe.*] You have told us what you know of the great trunk road,

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road, and of the road on which you yourself were employed through the mountains; are there any other roads in India with which you are acquainted?

No; the roads that are usually travelled are just the ordinary field.

7675. Do you know the line from Bombay to Agra?

No, I do not know the line from Bombay to Agra.

7676. Earl of *Ellenborough.*] You do not know the road from Calcutta to Bombay?

No.

7677. Lord *Wharncliffe.*] You know none of the roads in the South of India?

No; with the exception of those immediately about the city of Madras.

7678. *Chairman.*] Had you any means of becoming acquainted with the system of irrigation canals in India?

I saw the works going on under Colonel Cawtley; they were very valuable works, I think.

7679. In what state are the embankments in Calcutta, which have been made as a defence against inundation?

The embankments made against inundations, in Bengal, are a source of considerable expense to the Government. I think that they were originally constructed without much consideration: the space for the water, I believe, is generally less than it ought to have been; and the embankments are generally of a section very inferior to what they ought to have had; they were made too narrow, and much too steep for the inundations of that country, and the consequence was, that every year there was considerable damage to those embankments, causing much cost, both in the repair of the works and the damage done to crops by the inundations.

7680. Lord *Wharncliffe.*] Was not there a Commission issued some time ago to examine into those embankments, which recommended that they should be left to a state of nature?

Yes, there was one. I think it is very likely that, if the country were gradually brought to a state of highly improved irrigation, the water might be distributed something upon the system which has been found to succeed so admirably in the district near Florence, and then you might do away with the embankments; but until something of that sort is done, it would be most injurious to do away with the existing embankments.

7681. Lord *Elphinstone.*] But in Lombardy, is not the Po embanked to a great height above the level of the country through which it flows?

I speak of the Maremma and the Val di Chiana, in the Tuscan territory, in which so many of the population were destroyed by malaria from the swamps created by sluggish rivers bringing down large quantities of detritus, materially affecting the course of the rivers. The whole of that was corrected by the plans of the celebrated Fossombroni and Nanetti, whose principle was merely to form dams, inclosing large surfaces of the flooded land, so that when the water came into one of those basins, it became still, and made its deposit; the consequence was, that in a very short period it raised the surface of the land, and sent the water into proper channels.

7682. Earl of *Ellenborough.*] Had you ever occasion to consider the means of improving the navigation of the Ganges?

I have not gone minutely into that subject: it is a very difficult one; and, under the present prospects and experience of railways, I think it would not be a judicious investment, even supposing it could be done at a moderate cost.

7683. Earl of *Albemarle.*] What depth of water is there in the shallow parts of the Ganges?

I am not certain, but I believe it varies very much: then it is very difficult to secure that the impediments which are removed at one place do not arise at another: there have been some very large estimates as to the improvements of the Ganges. Some engineers have suggested improvements in parts of the river at a cost of 60,000 *l.* a mile.

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7684. Does not the water carry, suspended in it, vast quantities of the finest sand?

I believe so; and vast varieties of soil.

7685. Lord *Wharncliffe*.] With regard to the embankments in Bengal, what would be the course that the Government, in your opinion, ought to take with respect to them?

I think that any project upon this subject ought to embrace two principles, a general irrigation of the land, together with a power of correcting the course and facilitating the exit of the waters after having made their enriching deposits. I think that by extending broadly irrigation canals, the waters would become so spread that by making very slight horizontal dams, inclosing large surfaces of land, the velocity of the water would be so checked that little damage would occur; and, at the same time, the valuable particles in suspension would be deposited, thus securing a general power of irrigating and top-dressing the land by the same process that would avert the damage now arising from concentrated waters flowing with a high velocity.

7686. *Chairman*.] Do you consider that there is no danger to health from such a system of irrigation?

No, I think not; the danger to health, I believe, is where there are swamps, with stagnant water, producing noxious weeds, which would here be avoided.

7687. Earl of *Ellenborough*.] Have you ever studied the neighbourhood of Kurnal, and endeavoured to ascertain the cause of the great mortality there?

No; but I have heard that the irrigation has been allowed to go very wild there, and that there were considerable swamps.

7688. Lord *Wynford*.] In making those embankments, what do you consider the best slope to adopt in order to secure their standing?

We established a slope of five to one, which is a very ample one for the embankments of the East Indian Railway: there were very extensive dilapidations on the Damooda embankments, and on the embankments lower down, which were generally attributed to the deficiency of the slope, and we thought it advisable to give that slope to the embankments for the railway.

7689. *Chairman*.] What is your opinion of the works upon the Ganges canal?

I think very highly of them indeed.

7690. Will they affect the navigation of the lower part of the river?

I should think not.

7691. Earl of *Ellenborough*.] Not by taking away seven-eighths of the water above Hurdwar?

Perhaps in very dry seasons it may; but I have not given sufficient attention to this to offer an opinion; however, I think that the question of the navigation of the River Ganges is a secondary one to that of agricultural irrigation, looking forward, as we now may, to a broad extension of railways.

7692. Lord *Elphinstone*.] Is not it the case, that below the place where the waters of the Jumna are diverted for the purposes of irrigation, the stream again recovers itself and becomes again a considerable river, without any very perceptible cause, so that it is supposed that the water comes under ground?

There are so many tributary streams to the Jumna, that if you cut off one of them, it would be but an inconsiderable diminution.

7693. Earl of *Ellenborough*.] But does not the canal cut off seven-eighths of the whole water of the Ganges above Hurdwar?

I do not know the precise proportion, but I should be glad to see the whole of its waters applied to agricultural production.

7694. How far above Hurdwar does it turn off from the Ganges?

Quite close above Hurdwar.

7695. *Chairman*.] You were understood to say that you think it possible to guard against injury to health by works of irrigation, by proper attention to raising the works, and not allowing them to degenerate into swamps?

I think a great deal may be done both to prevent the evils of malaria and to accomplish

accomplish the objects of general irrigation, by proceeding upon one combined principle.

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7696. Earl of *Ellenborough.*] Were you in Rajpootana?
No.

7697. You have not seen Colonel Dickson's tanks?
No.

7698. Did you ever see a tank formed in the manner in which they form them in India; large lakes, in fact?
No.

7699. Earl of *Albemarle.*] Have you ever considered the question of applying the same principle of private enterprise which is adopted with respect to the railways now contemplated to the canals and embankments? As the East India Company is in debt, how do you think it would operate if those canals and embankments were open to be conducted by private enterprise?
I think you would be putting away a very large amount of profit from the Government by doing so, for I believe that there is no undertaking that will be so profitable as the irrigation canals.

7700. *Chairman.*] Will you be good enough to state to the Committee the history of what has been projected with regard to railways in India?
Upon going down to take charge of the railway department as consulting engineer to the Government at Calcutta, I found that the first section of the East Indian Railway Company's line was sanctioned as far as Pundoah, a distance of about 40 miles.

7701. In what year was that?
In the latter end of 1850; and there was an undecided question pending, as to whether they should then go, as intended by the original project, in a direct line to the north-west, over the hills close to the present great trunk road, or whether they should go round by the Ganges. Before leaving India I examined the district, and made a report on this point, in which the engineer of the railway agreed with me, and the consequence was, that the Ganges line was selected by Government. There were only then two lines commenced in India. The operations of the Bombay line never came before me whilst I held the office of consulting engineer to the Government, an office which I was induced to resign, and leave India by medical advice, in consequence of injuries received from exposure to the sun whilst I was conducting the Himalayan works already described. I knew nothing of the Bombay operations till I came to England. When I found that it was proposed to carry the great trunk line from Bombay, the most important port in Western India, over the Ghauts, and thence to the northern parts of India, thus showing that the only two lines which had been commenced in India were projected upon most erroneous principles, it appeared, therefore, essential that the Government should lay down some distinct sound maxims for the guidance of projectors in this most important class of works. Having seen the necessity of this before I left India, I had sought, in my reports, whilst officially employed there, to inculcate such maxims; and on my return home I took a good deal of trouble in the preparation of a general report, based on very broad principles, in reference to the proper selection and the after-working of railway lines in that country.

7702. Will you be so good as to state what that broad principle is?
It was to secure, by a right selection of lines, that with the smallest outlay in money, the power of the engine shall be enabled to convey the largest possible loads rapidly and safely through the country. If this result be accomplished, the best security will be obtained for railway investment, and the lowest possible rates of freight will be charged to the public who use the railways. The only way by which that result can be accomplished is by ascertaining that every portion of every line of railway approaches as nearly to a level as the circumstances of the country will admit between its termini, having due regard, but not excessive regard, to cost of construction and length of line. Before any sanction is given to commence construction, it ought to be mathematically proved that the very best line has been selected in this important respect. The first mathematical principle, as regarding railways, is admitted by all in theory, that the ratio of the power to a load moving up an incline is as the height to the length of the incline;

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and in practice this should never be forgotten; the peculiar structure of India calls for its incessant application. There we have an opportunity of selecting either the best or the worst levels to be found on any railways in the world, with the necessary consequence of either the highest or the lowest rates of freight and personal safety in the transit of goods and passengers. In projecting Indian railways, with reference to those principles, we must keep in view the regulating features of the country; namely, the great Himalaya range and its spurs, the range north of the Nerbudda River, that between the Nerbudda and Taptee, the range south of the Taptee, and all those nearly parallel to it to the southward; the whole of those ranges now mentioned run nearly east and west. Then there is the Omerkuntuk tableland, which sheds its waters in all directions, north to the Ganges, west to the Bombay coast, and south, east and south-east to various parts of the Bay of Bengal. Again, we have the great range running south from the Taptee River, and close to the western coast, sending its waters across nearly the whole breadth of the Peninsula till they discharge themselves into the Bay of Bengal. We have the magnificent valley of the Ganges and Jumna, with a thousand miles of course from the Bay of Bengal, and so gradual that the rise does not exceed one foot per mile; the valley of the Indus, which offers a track for our commerce from the sea at Kurachee into Thibet and Central Asia; the Baramputer and other cuts in the great Himalaya chain, which would afford like facilities; the level belt or coast line girding the Peninsula from the Ganges to the Indus, with the palpable facility presented by the valleys of the Mhye and Chumbul Rivers to unite the Bombay coast with the northern and central parts, and by the valleys of the Nerbudda, Taptee and Soane, with the north-eastern portions of our empire. With such broadly marked indices to what is right, it would be inexcusable to err; still the only security against error, and grievous error, will be found in starting from the very commencement with those indices distinctly in view, and requiring that every detail, no matter how gradual the progress, shall be executed in reference to the ultimate completion of a perfect whole. Such were the principles that influenced me in every suggestion which I have ventured to make to the Government, both before my appointment to office, during my tenure of it, and since its relinquishment. Amongst those suggestions will be found a series of projects for intercommunication throughout India, many parts of which I had never seen; and although I felt that, upon examination, some of them may be found inferior to others which minute local knowledge may suggest, still it appeared the best and most practical mode of bringing timely attention to the subject, and of avoiding a future repetition of those errors which have appeared to characterize the first projects for India. In my last report I sought to illustrate some of the important consequences which railways might be expected to have upon India, and with that view I selected the Military Department, not because the consequences were likely to be nearly so important in that department as they would be either as regards commerce or manufactures, or many branches affecting the physical and social condition of the people, but merely because the effects upon the military expenditure, and upon the efficiency of the army, could be more easily estimated than the consequences upon other branches. I stated my conviction that the power of concentrating troops, which a good system of railways would afford in India, would enable you to reduce one-fourth of your army, and that your army would still be in a much more efficient state for both offensive and defensive purposes; because you would have the power of concentrating them within a very limited space upon any point that was attacked; at present, if you wish to concentrate, the loss of time is very great. The time given for an officer to join his regiment at Peshawar, when he arrives at Calcutta, is six months, and so with any movement of a regiment; if you have a combination of troops to make in some distant part, your country may be in possession of the enemy for a long time before you can bring an adequate force to meet it. Therefore, under the present system, it is extremely difficult to defend India, even with the present force; but with railways, if you had one-fourth less of military expenditure, you would be in a stronger condition. I do not think that any danger is to be apprehended in war from railways, because we have seen the case of the French Revolution. I do not think that five miles of railway were taken up in the whole of France, although the French are a very ingenious and active people; and even if a short piece of the rails were taken up in any line, in a few hours they could be replaced. If an enemy were to go upon the principle of breaking up the railway generally, the consequence might be serious; but

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but I do not think that could ever happen, because the railway is the best defended line that you have; you can show yourself rapidly upon every point of it: it is a well-protected line too, because the mere staff of your railway gives it a great deal of protection. Therefore I do not think that any danger in war is to be apprehended to railways. I do not mean to say that railways are of any use in actual operations; but in concentrating your troops, and furnishing them with stores, provisions and reinforcements, they are of the utmost importance, particularly in India. If you have not railways, every small district must have an actual garrison, because India is essentially held by military occupation, and you must have in every district a garrison equal to the protection of the district under ordinary circumstances.

7703. Will you point out the system of railways which you would recommend?

In the report before referred to, I gave a schedule of lines which I suggested for examination, placing them *seriatim* in the order of their comparative importance. No. 1 in that schedule was the line from Calcutta to Agra, which it was suggested in time to extend by Delhi, Kurnoul, Loodiana and Lahore, to the Indus, at Attok: this line is in progress. No. 2 was a line from Bombay, passing along the coast by Surat, Baroach, Baroda and Neemuch, following the valleys of the Mhye and Chambul Rivers, to Agra. No. 3 was a line breaking off from No. 2, at Surat, and following the valley of the Taptee to Omrawutty, the chief market of the principal cotton district; and thence following the valley of the Godavery to the Bay of Bengal, and proceeding by the coast to Madras. No. 4 was a line from Madras, south to Trichinopoli; thence west, by a river to the favourable dip in the western ghauts at Paulghatchery, and continuing west by a valley falling to the Malabar coast. No. 5, a line from Madras westward to Bangalore. No. 6, a line from Bombay over the ghauts into the Deccan. No. 7, a line breaking off from No. 2 trunk line at Baroda, passing through Goozerat, and thence to Kurachee. No. 8, a line breaking off from the Madras trunk line at Masulipatam, and going to Hyderabad, in the Deccan. No. 9, an extension of No. 1, from Agra by Delhi, Kurnoul and Loodiana, to Lahore. No. 10, a line from Kurachee, by the Indus valley, to Mittankote. No. 11, a line branching from No. 1, near Rajmahal, and going towards the Baramputer River and on towards the Sanitarium of Darjeeling. No. 12, a line branching from No. 1, and going by the Jumna and Ghiree valleys towards our Sanitaria of Simla, &c. in the protected Hill States. These 12 projects would embrace about 5,177 miles, which, at the average rate of 5,000 *l.* per mile which I estimated for their construction, would require a capital of about 25,885,000 *l.* A second schedule in the same report, containing the foregoing and seven additional projects, estimated at the same rate of mileage cost, would raise the capital required to 39,160,000 *l.* The same report contained numerous suggestions, having reference to the after-working of lines, calculated to guard against the inevitable waste and danger that must attend the running of numerous trains, at high rates of velocity, in quick succession after each other.

7704. Lord *Wharncliffe.*] Do you think it would be at all necessary, in the establishment of railways in India, to aim at a very high rate of velocity?

No; that is exactly the point that I have felt it essential to guard against, because in employing English engineers who have indulged both in high velocity and in numerous trains, they are likely to forget the first principle of economy and safety, which would be to run as few trains as possible, with the heaviest loads possible, and at moderate speed. I think that is the great principle of economy; and economy is everything in that country, because you have not the margin in India which exists in England: in England, with all its immense traffic, we find that the railway interests are at a very low ebb indeed; and it certainly is of vital importance in India to take care that no error shall be introduced in the commencement of railways there. The thing to look to is to give to your engine, whatever power it may have, the greatest possible advantages with respect to inclines; that is all that you can do, and the engine-maker will do everything that is requisite after that by the strength of his engines; but let the lines be level: the general lie of the country in India is such that you ought to have beautifully level lines. I recommended a principle which I think would give all the practical advantages of absolutely level lines even where country is moderately ascending; and I tried, experimentally, the efficacy of that principle on one of the worst gradients in England.

 7705. Assuming

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7705. Assuming those two points which you consider so desirable to be gained, namely, that you should be able to obtain level lines, and that you should be able to work large trains upon those lines, do you consider that there are no other points to be considered in the selection of a particular line of railway with respect to the distance to be traversed, the expense of construction, and the expense of the maintenance of the line afterwards?

Undoubtedly the mercantile requirements of the country generally are the first considerations in the selection of lines, but I think that the more we look at the great features of India, the more we shall find that the valley lines will generally fulfil those requirements, and be the cheapest lines, because the moment you leave them to cross valleys and mountain-ranges, you incur the necessity of tunnelling, viaducts, and all that is most costly in railway construction.

7706. You have intimated that you disapprove of the line which has been proposed from Bombay across the Ghauts into the Deccan?

Yes, as a trunk line, not as a branch line: I think that a branch line from Bombay into the Deccan is very essentially wanted, but not as the main line to the north, north-west and north-east of India.

7707. Are you acquainted with the district which has been called the Concan, which ranges below the Ghauts from Bombay northwards to the mouth of the Taptee and the Nerbudda?

Not personally.

7708. Supposing there was a district intersected frequently by streams from very steep mountains, subject to violent torrents, and with a number of mountain spurs running close to the sea, which would require in each case tunnelling, and probably embankments and viaducts across the rivers, do you think that it would be more advantageous to run along some 300 or 400 miles of a country like that than to go over one single range of hills, supposing such a line to be practicable, with tolerable gradients?

I think that I would rather take all the difficulties that could possibly arise in a sea-coast line, with such breaks as there are upon the western coast between Surat and Bombay, a distance of 190 miles, than attempt even a single rise over the first range. Every description that I have received gives me the idea that the coast is not a very difficult country; but we must recollect that scientific discovery has come very much to our aid of late. I do not know whether your Lordships are aware of an improvement which has been made by a French engineer, M. Arnaud, who has invented a very ingenious method by which very short radii of curvature, down to 40 or 50 yards, can be travelled by his engines; I know that as yet that principle has not arrived at the result at which one may hope it will arrive, but it is a very important improvement.

7709. Has it been adopted in practice?

Yes, from Paris to Sceaux, a length of 10 miles, and I believe it has been determined to carry it further. I know the difficulties that are usually met with in India. For example, you cannot travel across the Punjaub without going over five enormous rivers—seas you may almost say—because some of them in floods are miles in breadth; but I would rather face three miles of inundation than face those hills. It is true, that if you choose to make a base of 90 miles to ascend the great Ghauts, you will then get a slope of 1 in 330, that is, a rise of 16 feet in a mile; but that would take above 90 miles to ascend the Ghauts.

7710. Is not there an enormous amount of traffic carried on in this country with gradients ten times steeper than that?

Yes; but we see that, with all that enormous traffic, the shareholders are ruined. I come to that as the great test of the whole principle; that if the system is so defective here, that with the immense traffic in this country, which never can be thought of in India, your shareholders have not a profitable concern, that must be a complete condemnation of the whole principle.

7711. Do you see no difference in the probable returns upon a line that should be executed at a cost of 40,000 *l.* a mile, and upon another line executed at a cost of 7,000 *l.* or 8,000 *l.* a mile?

Yes, I am aware of that. I think that part of the difficulty of English shareholders arises from unnecessary extravagance in the cost of construction, and from

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from the bad selection of lines. I do not blame the engineers in England, because here they had to deal with a very undulating country; but the fact of running upon inclines of 1 in 37, as they are doing upon the Birmingham and Gloucester line, would be inexcusable in India. I think myself that it was perfectly inexcusable in England.

7712. *Chairman.*] Is it fair to attribute the low rate of interest enjoyed by railway shareholders in this country to the mere expenditure consequent upon steep gradients?

No. I think that there are two great heads of expenditure: one is the expenditure of the original construction, and the other is the expenditure of the after-working; of the two, I think the expenditure of the after-working is the most important to deal with. Your steep gradients materially affect your expense in after-working; because you must regulate your load according to your inclines, and you must regulate the number of your trains in the same ratio. If you have such gradients that you cannot carry very heavy trains, you must have numerous trains; and there is nothing that you can have to deal with in railways so expensive as the great multiplication of trains.

7713. Lord *Wharncliffe.*] According to the principles which you have laid down, I understand you to recommend that the great lines of railway for India should be taken along the river valleys, in order to follow the natural inclination of the ground?

Yes; to the utmost extent that that principle coincides with the broad interests of commerce, &c.

7714. Then supposing, on the one hand, a case where you follow a stream up to the crest of a chain of hills, and then, after passing the chain of hills, you find, on the other side, nothing that presents any serious difficulties whatever; and comparing that with a case, such as you have lately described, of running across a number of streams, and through hills which divide them; do you think that, in the choice of evils, the former of those two cases may not be the best to select?

I should face a vast number of difficulties of every other description, rather than an ascent of 1,700 feet, which I could possibly avoid. It would be difficult to lay before me any case of any description so difficult, that I should not prefer it, rather than going up 1,700 feet.

7715. Supposing that the worst portion of the railway was about eight miles in length, and that the worst gradient was several feet better than the Lickey incline upon the Birmingham and Gloucester line?

There is nothing that in every case I should so studiously avoid as that. I know the Lickey incline; it is, for two miles and a quarter, 1 in 37. But all those things are rather beacons to avoid, than examples to imitate.

7716. Is not it a choice of difficulties?

I do not think there is any difficulty in dealing with an ordinary river.

7717. Lord *Wynford.*] Has not legislation had more to do with the reduced profits of the shareholders in this country than anything else?

I think the extraordinary expense of the original construction, growing out of the course of legislation, is one very great evil.

7718. Earl of *Ellenborough.*] Will you state the line that you would propose to carry along the valley of the Ganges, from Calcutta to Raj Mahal; how far would it go?

I imagine it would cross the Jumna at Allahabad; thence to Cawnpore, Agra, Delhi, Kurnoul, Loodiana, Lahore, and end at Attok, on the Indus.

7719. Would there be any material difficulties arising from water during the inundations of the rivers?

The principle we took was to give ample room for the water, and to raise our roadway a certain distance above the highest flood that has ever been known; I do not think there is anything to apprehend from that cause.

7720. Must it not be carried upon arches for a considerable distance?

Arches or embankments. That was one question to settle: how far arches should

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should be used, or how far the bank of the railway should be considered as a bund against the water.

7721. How do you propose to pass the mouths of the Jumna and the Soane?

I recommended that they should be left as breaks in the line till additional experience should have been gained; I think that is the only safe way to treat it. Speaking of India, we are not speaking of a country circumstanced as England is, with millions to spare, but of a country where you are now travelling at the rate of three miles an hour, and where, if you make a mistake in your plan, the consequences may seriously affect its success. If you can go 1,000 miles, with only the inconvenience of getting twice out of your carriage, I think that is enough till we get additional experience.

7722. Lord *Wharncliffe.*] Supposing those two breaks to exist in a line of that description, with heavy trains passing between Calcutta and the North-West Provinces, would it be no inconvenience to have to unship those goods every time you crossed those rivers?

The inconvenience would be infinitely less in India than in any other country. After all it comes to a question of expense, and where you have to deal with wages at 3 *d.* a day, it is a much smaller consideration than where you have to deal with labour at 2 *s.* or 3 *s.* a day.

7723. Must you not have a separate plant for each portion of the line that is so cut off?

Yes, or you must do what I think would very likely be found to be the best, as I have heard is sometimes practised in America, provide the means of carrying the trains across by rafts.

7724. Earl of *Ellenborough.*] Would not there frequently be very great difficulty in carrying your works over the large tracts of sand which exist on the banks of the rivers?

I do not think there would be any difficulty which could not be got over. I beg to be clearly understood, that I have never meant to recommend that permanent breaks should be left in the line; but what I recommend is, that no hazardous expenditure should be incurred, and that greater experience than we now possess, in reference to Indian rivers, should be obtained before we encounter the enormous expense of bridging over those large rivers: one of them is a river three miles wide at floods, and the stream, it is said, sometimes changes its course at places.

7725. Lord *Mont Eagle.*] Would not the building of a bridge across such a river cause such changes to be still more frequent?

I cannot say that it would positively have that effect. I do not think, if there were sufficient openings, it would injure the current of the water.

7726. Earl of *Ellenborough.*] Have not you seen in the upper provinces bridges which have been entirely choked up, the water taking a course at some distance from them?

I cannot distinctly remember observing any instance of that kind; but I have frequently heard of it.

7727. *Chairman.*] What is your opinion with regard to the possibility of executing those works by private enterprise?

I think that would precisely depend upon the course which is taken as regards the first railways. If a prudent and economical course be adopted—I do not mean economical as impairing the efficiency of the work, but economical in every way that efficiency will permit—the first railway which opens and pays well will settle that question in favour of private enterprise; but if, unfortunately, a useless expenditure is incurred, I think it will settle it the other way, and you will never be able afterwards to get a company without guarantees from the Government. Now I do not think you can consider a work as being executed by a private company where a guarantee is necessary from the Government.

7728. Do you think it dangerous for the Government to give that guarantee in the first instance?

No; I think such a guarantee is essential till that experience has been obtained which I think a fair and useful construction of the works will afford, so as to

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to give confidence to the public. The money then may be forthcoming without it. I do not think you can consider the principle as fairly established till companies can go into the money market, and obtain their money without the assistance of the Government.

7729. Lord *Wharncliffe.*] You think if a Government guarantee is given in the first instance, and a proper superintendence is exercised over the money, no further guarantee will be necessary, and that you will in future find private capital to execute the works?

I do hope that the works may be so constructed, and such judicious superintendence exercised, that every kind of expense shall be avoided which shall place the return for the outlay in the slightest jeopardy. I think, if that is the case, there will be ample remuneration derived, particularly from the Calcutta line, and then that will give a confidence to the money market which will render guarantees in future unnecessary.

7730. Earl of *Ellenborough.*] There is to be a branch, in the first instance, to Burdwan, is not there?

Burdwan will be on the main line; it is above Burdwan that the branch to the collieries goes off.

7731. Is Burdwan on the main line to Rajmehal?

It is.

7732. Earl of *Albemarle.*] The contract of the Bengal Company is very high, is not it?

I think it is very high as regards the price of labour in Bengal, but that was to be expected in the first undertaking of this kind.

7733. Is not the charge to the Company about three times the amount which the contractors pay to the workmen?

It very much depends upon the class of work; I have never had a satisfactory report upon that point.

7734. Lord *Elphinstone.*] Do you propose to make double lines or single lines?

Single lines invariably, with the exception of the first 40 miles, commencing at Calcutta.

7735. Earl of *Ellenborough.*] Would you, in the first instance, take ground enough for two lines?

Yes; they are obliged in India to take much more ground than in England, because where there is any embankment, the great slope required to meet inundations, adds very materially to the quantity of land required.

7736. What would you lay your rails on?

I suppose generally, in a flat country, the material would be burnt brick; where kunker can be had, that would be used, and any ordinary stone when furnished by the district.

7737. For sleepers, what would you employ?

Iron sleepers would be the best, until sufficient experience is obtained in the preservation of timber against the destruction incidental to that material in India.

7738. Lord *Mont Eagle.*] Will not the expense of iron sleepers be very great?

Not very great.

7739. Lord *Wynford.*] A wooden sleeper would be liable to be consumed by the white ants, would not it?

It could not be depended on at present; there were no experiments as to the preservation of timber when I left India, which had been of sufficiently long standing to give confidence in them.

7740. Lord *Mont Eagle.*] Have you ever calculated the expense per mile of a single line of railway?

I have made several calculations, and have little doubt that upon the average

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they will be found to range within 5,000*l.* per mile, if iron can be had at a reasonable price.

7741. Would it be nearly the same throughout the country?

By no means; it would vary very much; where there are large rivers to cross, or where much waterway is required under the road in districts subject to inundation, or where viaducts, tunnelling, or heavy rock cuttings occur, these matters cause considerable variation as compared with the lighter class of works.

7742. *Chairman.*] What system would you adopt to secure the greatest possible economy in the construction of the railway, and in its maintenance after it is made?

In the first place, the Indian practice is clear of many expenses which occur in England. There is no Parliamentary investigation; the system is upon an admirable footing in that respect. The land, too, has been given by the Government up to this time; there are no law expenses, as in England: all these are vastly favourable circumstances. If, in addition to these matters, the contracts be let in small lots, so as to avoid monopolies and to promote competition; the engineer using his ingenuity and every exertion to suit his contract to the capacity of the natives; making bargains for quantities of bricks, lime, &c., and separate bargains for the mere building with bricklayers; by such means he will produce economical work, and gradually train the people up to taking contracts. In short, the engineer of a line in India ought to be able, if necessary, to take the same measures that a contract or would, and execute works occasionally himself, if necessary: such a course would effect all that can be done in the way of economy of construction. I cannot help hoping, too, on this subject, that efforts may be made to work the native iron, as the large demand upon England, growing out of active railway operations in India, would assuredly increase enormously the price of that article in this country. With respect to the economical working of lines, that can be best secured by the proper selection and laying out of the line at first, as on that will depend the weight of the trains that the engine can convey, and the consequent number of daily trains required to execute any necessary amount of traffic.

7743. Lord *Elphinstone.*] Can the Government give the land of the zemindars?

The Government pays them a very high price for it; I think the price per mile in the lower country of Bengal was nearly 500 *l.*

7744. Earl of *Ellenborough.*] How many acres would be taken in a mile?

There was a very large demand made upon Government in the first instance for the Bengal Railway: I had it brought down, I think, to 14 or 15 acres in the mile for permanent occupation, and the temporary use of additional quantities of land from which to obtain fillings, clay for bricks, spreading ground, &c., in proportion to the exigencies of the different parts of the line.

7745. Lord *Wharncliffe.*] The average in England is about 10 acres, is it not?

Ten or eleven acres.

7746. Lord *Mont Eagle.*] What was the average expense per mile?

I was in great hopes at one time that the line would be made all through, from Calcutta to Allahabad, which is much the most expensive portion, for 7,000 *l.* per mile.

7747. Lord *Elphinstone.*] Where would you have recommended it to begin, at Mirzapore?

I was very anxious to begin above Allahabad; I think it was very important that it should have begun there; but that question had been decided before I was appointed.

7748. Earl of *Ellenborough.*] Have you ever calculated at how many trips you could carry a regiment, with all its followers, and the hackerries which accompany it?

No, I never have.

7749. Earl

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7749. Earl of *Albemarle.*] Have you made any computation as to the period of time which will be occupied in the formation of the railway?

It depends on the energy of the Company carrying it on; they have been slow, I think, in the execution of the Bengal line.

7750. Lord *Wharncliffe.*] You said just now, that you hoped the first section of the line from Calcutta would be executed at 7,000 *l.* a mile?

I hoped at the outset that it would; I know now that it will be considerably beyond that; I thought that the works below Allahabad, where they are costly, exclusive of the bridging of the Soane, would have been executed at 7,000 *l.* a mile.

7751. Supposing the line which you have condemned so strongly, from Bombay, running across the mountains into the Deccan, can be executed at a rate of from 7,000 *l.* to 8,000 *l.* per mile, would that be an exorbitant amount?

I think it would be a very cheap amount; but I do not think that has anything to do with the question. I would rather have a level line at 14,000 *l.* a mile, than a steep one at 7,000 *l.*

7752. Lord *Wynford.*] If you were to make it subservient to the interests of trade, it would be necessary to carry it across the mountains?

Yes; it is highly important, I think, to carry the line into the Deccan, but merely for the traffic of the Deccan. What I wish is, that the traffic in the north, north-east and north-west of India, where it has an opportunity of passing along a level line, shall be permitted to do so. I know if it comes over the hills, it will have to pay extra for every ton carried.

7753. Lord *Wharncliffe.*] They will have equally to pay extra if they are carried a long distance round out of the direct line?

I think that for Guzerat, Malwa, and all districts north of the Nerbudda, the coast line would be shorter, as well as more level, than any line through the Deccan.

7754. Is not one of the great objects of a line on that side of India to obtain access to the cotton districts, and thereby carry a large and bulky traffic?

That is a most important object; and I think that for Kandeish and the northern part of Berar, it would be better attained by the coast line than by a line through the Deccan. Then I think the south part of the Berar district would come into a line going through the Deccan by one of the northern sources of the Godavery River; that would be quite justifiable, and, as a branch line, very useful.

7755. Earl of *Ellenborough.*] Where you are obliged to carry your line of railway on arches, it becomes, in fact, a long bridge, and must be so considered in calculating the expense?

Yes.

7756. Could you survey the country while the waters were out?

No; but the course taken by the engineers of the line was to get the best information they could as to the highest point in every place to which inundations had ever been known for several years to have risen.

7757. Is not it the fact that it is not only the height of the inundations, but the extraordinary rapidity and force of the water that creates the difficulty?

Of that question we have had considerable experience as regards the effects upon different embankments. To embankments with deficient slopes great damage has frequently been done; I think where there have been good slopes to the embankments they have stood well against the current of water; therefore, when we gave the large slope of five to one there was very little apprehension. Many of those embankments where there were very rapid streams, even though constructed with slopes of three to one, have done their work well; others again have given way.

7758. The peculiarity of the seasons in India is, that the rain all comes down at the same time?

Yes, but a large proportion of those embankments has stood all those seasons, although defectively constructed.

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7759. Earl of *Harrowby.*] Do those embankments become covered with jungle?

I think they generally remain clear.

7760. The jungle does not continue to sow itself?

They are coated with grass, but you do not often see jungle upon them; there are certain plants which would be desirable for the purpose of strengthening them.

7761. Earl of *Ellenborough.*] For military purposes it is only above Allahabad that the railway would be of much value, is it?

At present the war is lower down.

7762. Generally it is in the Upper Provinces that you would wish to concentrate the troops?

Yes.

7763. What time does a regiment take in going from Calcutta to Allahabad in boats?

It is a tedious voyage.

7764. Earl of *Harrowby.*] Can they go 10 miles a day by water?

I cannot say the precise rate; I have seen some of the river boats completely stopped in their voyage.

7765. Earl of *Ellenborough.*] What was your calculation of the traffic upon the railway between Allahabad and Calcutta?

I forget the precise calculation.

7766. Have you ever considered the expediency of making a railway from Calcutta to a point on the main stream of the Ganges to which there is a clear course from the sea?

I have heard it discussed; but as it was the intention to carry it on, it did not come maturely before me. I have no doubt that the small branches which are necessary to the different navigable points ought to be made in connexion with the great trunk lines.

7767. A railway from Allahabad to the Upper Provinces would run very nearly in the line of the intended canal irrigation, would not it?

It could not go far from it; the Douab is a narrow district altogether.

7768. Earl of *Harrowby.*] Could the two be combined, so that the one should pass on the embankment of the other?

I do not think it would be desirable.

7769. Earl of *Ellenborough.*] The canal is to run on the highest point between the two rivers, is not it?

Yes, it should be so, in order to command the whole district.

7770. Lord *Wharncliffe.*] In speaking of the interruptions upon the river, you referred to the possibility of carrying the trains upon rafts, as you say is the case in America?

I have heard that such a practice exists there, but I do not know the details.

7771. Are you aware of the state of affairs in India, with respect to the possibility of procuring iron?

I had an opportunity of seeing the report of the geologist who was sent out there about two years ago; he has been examining the districts to the northward of Calcutta. I think there is a great deal that is satisfactory in his report; but I do not like the conclusion of it, because I think he seems to throw over the extraordinary advantages of cheap labour in India. We find that he brings out a comparison between manufactured iron in India and manufactured iron in England, showing very little difference. He gives a comparison as to wrought iron, showing a saving in favour of India of only about one-eleventh of the whole cost. I think he has not given full consideration to the difference of the value of labour in the two countries, as forming an element in the price. I have no doubt, from what

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what he says, that a sound speculation in iron will afford important facilities to the construction of railways in India.

7772. Lord *Elphinstone.*] Is coal found near the iron ore?
Yes, there is coal in those districts; it is not a very good class of coal which they have yet found.

7773. Lord *Mont Eagle.*] There have been iron founderies worked for years in the Saugur and Nerbudda territories, have not there?
I have heard so, but have not seen them.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, Two o'clock.

Die Jovis, 28° *Julii* 1853.

LORDS PRESENT:

Earl of POWIS.	Lord WHARNCLIFFE.
Earl of HARROWBY.	Lord WYNFORD.
Earl of ELLENBOROUGH.	Lord ASHBURTON.
Lord Bishop of OXFORD.	Lord STANLEY of Alderley.
Lord MONT EAGLE.	Lord BROUGHTON.
Lord COLCHESTER.	

THE EARL OF HARROWBY in the Chair.

Evidence on the Government of Indian Territories.

ROBERT TORRENS, Esquire, is called in, and examined as follows:

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8420. *Chairman.*] WHAT situations have you filled in India?
The first appointment I held was assistant to the collector and salt agent of the 24 Pergunnahs in the immediate vicinity of Calcutta. Afterwards I held the appointment of acting collector of land revenue in the zillah of Tippera, and after that I was appointed joint magistrate of the district of Bogra. While holding the appointment of joint magistrate of Bogra, I also was appointed deputy collector of that district, and then I was removed to the appointment of joint magistrate and deputy collector of the district of Moldah. After that, I was appointed magistrate and collector of the zillah of Moorshedabad. Then I was appointed additional judge, or merely civil judge, of the zillah of Chittagong. I then was appointed civil and sessions judge of the zillah of Mymensing. From that district I was removed to the zillah of the 24 Pergunnahs as magistrate, and shortly after was appointed as civil and sessions judge. From the 24 Pergunnahs I was appointed commissioner of the 16th or Chittagong division, and subsequently commissioner of police in that division.

8421. You have been engaged in various branches of the revenue and judicial system?
Yes.

8422. What was the population which you had under your charge in Chittagong?
I cannot exactly state that I am not aware, but in the zillah of Chittagong I suppose there may be about 700,000 people. I ought to mention that the division comprises other districts besides Chittagong; the division is called the Chittagong division, but there are the zillah of Tippera and the district of Noacolley or Bhoollooah also under the jurisdiction of the commission of Chittagong. Tippera, I dare say, may comprise a population of 800,000, or perhaps a million, and I believe the population of Bhoollooah has been stated, though I cannot exactly refer to the document, at about 400,000 people.

8423. So that the whole population which you had under your charge at one moment was, to what amount?
I should think a million and a half.

8424. What were the functions which you exercised within that district?
I was commissioner of revenue and superintendent of police.

8425. What were your duties?
My duties were to hear appeals from the collector of revenue in various matters that were placed under him; also to confirm settlements of the jumma of estates

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estates of a certain amount, and to correspond with the Board of Revenue in all matters; to be a medium of communication between the collector and the Board of Revenue, in a manner.

8426. You have had an opportunity in these functions of seeing the working of the police system, have you not?

I have.

8427. Is it efficient, as it is now organised?

No; I do not think it is efficient.

8428. What is the defect?

I should think that the want of integrity and the want of energy among the native police themselves is the grand objection to employing them, as far as my experience goes; also the little assistance that the natives of the country will afford to the police in the detection of crime and the general disregard of truth, and the general readiness which they exhibit to commit perjury.

8429. Are there any defects in the organization which can be remedied?

I consider that there are; for instance, I think that it would be a matter of great importance to reduce the extent of the districts which are placed under the magistrates.

8430. Is the magistrate who acts in a judicial capacity also the head of the police?

He is of the district, but above him is a Superintendent of Police, which office was held by me in the division. He is merely the head of the police in the district, and I consider it a very objectionable arrangement.

8431. The same man has to hunt out the crime and the criminal, and to decide upon the crime afterwards?

He has.

8432. That is objectionable, not only in theory, but found to be so in practice?

I think highly so; in my experience it has been so.

8433. Can you suggest any means by which the interests and the natural influences in the country can be more enlisted in aid of the police; could you make any use of the resident landholders for the purpose?

I should think that would be attended with considerable risk; I question whether the Native landholders would be sufficiently disinterested to adjudicate on any cases, where their own estates were concerned at least.

8434. Either to adjudicate, or to bring before adjudication?

Your Lordship means, perhaps, to be employed as the head of the police; I think that would be still more objectionable.

8435. They cannot be trusted in any case?

I should not trust them in criminal matters with any powers, either as police or as criminal judges.

8436. Is the position of the judicial officer independent at present in the Bengal Provinces?

In practice I consider that it has been sometimes improperly interfered with by Government, and that it ought to be made more independent; that Government ought to be prevented from such interference.

8437. What is the kind of interference which has been exercised?

I have known one or two instances of letters being written to judges, which I think should not have been written, and which would very likely tend to disarrange their thoughts during trials in which Government was interested.

8438. Earl of *Ellenborough*.] Will you mention the particulars of any of those cases?

In the first instance, I refer to a letter written by the Secretary to the Bengal Government to the Judge of Chittagong, No. 13, dated the 5th of January 1837.

8439. What was the occasion on which that letter was written?

The Government of Bengal interfered with the perpetual settlement of the land revenue in the zillah of Chittagong, and it was supposed that the Judge of Chittagong,

Chittagong, as far as I can judge from the tenor of the letter, was opposed to the proceedings of the Government. *Robert Torrens, Esq.*

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8440. In what manner had the Government interfered with the perpetual settlement there?

They had increased the assessment of perpetually settled estates, and settled for the jumma of the surplus lands of those estates with parties other than the possessors and proprietors of that land.

8441. Had the person dispossessed no remedy at law?

Undoubtedly he had a remedy at law.

8442. In this particular case to which you are referring, did the person aggrieved take advantage of the course of the law?

I am not referring to a particular case, but to the general proceedings of the Government in the district; and it was supposed that the judge was opposed to the proceedings of the Government in the district of Chittagong.

8443. Were there any instances in which the persons aggrieved sought their remedy at law?

There were.

8444. Were they numerous?

Very numerous; I believe a great number of cases.

8445. Where the property in dispute was very considerable?

No, I believe it was all trifling. Generally speaking it was trifling; there may have been some cases of value tried in the courts, but the estates in Chittagong are of an exceedingly small extent, and I believe, generally speaking, that the cases were of very small value which were tried in court.

8446. What led to the Government pursuing so very different a course of conduct there from that which they pursued generally elsewhere with respect to the perpetual settlement?

I believe that the Government stated that they had a right to do so because the settlement was founded on a measurement of the lands in Chittagong; I am aware of no other reason.

8447. *Chairman.*] These lands were supposed to be outside those which were measured, so as not to be included?

Outside of that measurement.

8448. Lord *Mont Eagle.*] As I understand, the letter to which you allude did not refer to any particular case which had come before the judge?

No.

8449. But to the general duties?

To the general duties; it was laying down the views and determination of Government for his guidance, which I quote as an instance of improper interference.

8450. Was it addressed to him in particular, or was it a circular to others?

It was a letter addressed in particular to him.

8451. Earl of *Ellenborough.*] Have you a copy of that letter?

I have quoted it in the paper now before me; I have not an authenticated copy.

8452. Have you any doubt that that is a correct copy?

I have no doubt of it, except the last paragraph; I have not quoted the last paragraph, because it was unimportant.

8453. *Chairman.*] Is it in a pamphlet which you published?

Yes.

8454. Earl of *Ellenborough.*] Will you be good enough to read it?

"Sir,—The Right honourable the Governor of Bengal having had before him a copy of a letter addressed, under date the 13th ultimo, by the Collector of Chittagong, to the Commissioner of the Division, a transcript of which, as appears from the last paragraph, has also been forwarded to you by Mr. Havey, the Collector, I am directed, with reference to the great importance of the subject as regards both the due maintenance of the authority of the Government and

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preservation of the peace of an extensive district, to address you direct, for the purpose of impressing on you the mischievous consequences which must be expected to ensue if those classes of the agricultural population of Chittagong, who appear to be opposed to the survey now in progress, and to be in a state of considerable excitement in consequence of that measure, should be deluded by designing persons into a belief that you, the highest judicial functionary, are disposed to support them in opposition to the views of the Government, and to become a partisan in their cause. With reference to your established character as a public officer, the Governor feels confident that you have not in any manner willingly afforded grounds for erroneous impressions of the nature above alluded to; and this communication is not made with the slightest intention of imputing blame to you, but merely in order to remove at once, at a time when a considerable degree of excitement appears to prevail, and on a point of much importance, all room of misunderstanding, and to place you fully in possession of the views and determination of the Government. You must doubtless be well aware with what avidity, in moments of excitement, the support of the local authorities whose views are assumed to be opposed to those of the Government is caught at by the disaffected, and that therefore special caution is necessary to prevent misconception, which must embarrass the public service, and not improbably lead those who labour under it to commit overt acts of resistance to constituted authorities, seriously affecting the peace of the community and compromising themselves. As these overt acts have been committed, you will no doubt feel it to be your duty to take every suitable and proper measure to correct any false impression in regard to your sentiments that may have gone abroad. The Governor regards the survey of the district now in progress as a measure of great public utility, seeing that it is no less calculated to define and secure the rights of individuals, and to correct the serious evils, of which litigation has been the most prominent, arising from the irregular intermixture and confusion of landed tenures and of property in Chittagong, than to bring to right and maintain the just dues of the revenue. The survey was commenced after long and careful inquiry and deliberation; and the public officers best acquainted with the peculiarities and wants of the district have been unanimous in declaring their opinion that it would confer a great and substantial benefit on all parties concerned, with the exception only of the fraudulent. Under these circumstances, operations having been already carried on with the best result to a considerable extent, his Lordship is of course determined to prosecute the measure to completion. In itself it must be productive of good to all honest persons; and those who may think themselves aggrieved by any ulterior proceedings, founded on the data which it furnishes, will have, of course, full opportunity to appeal, either to the Court to which the revenue authorities in such cases are amenable, or to lay their complaints before the Government, where they will have due attention. It will be your duty, as a high public officer of the Government, thus made acquainted with its views and objects, to forward them by the zealous exercise of your influence, and the employment, on all fitting occasions, of the authority which is vested in you." I remark upon that: "I may remark that this Court was presided over by the Judge to whom this letter was addressed." There is a further remark: "The last paragraph need not be quoted, as it refers to the conduct of some Native judicial functionaries. It may again be observed that the Judge addressed in the dictatorial tone of the Government Secretary was the functionary presiding in the Court to which the revenue authorities are liable; and it may be inquired whether the tenor of the letter cited was such as to encourage the self-possession of the presiding functionary, and tend to his arriving at a prompt and judicious decision in any case between the revenue authorities and the aggrieved agriculturists. Would the Secretary to Government in any of our colonies, or the Home Secretary of State, be tolerated in addressing any of the Judges in such a tone? Is it only in remote India that such a tone is to be adopted?"

8455. *Chairman.*] This happened in the year 1837?

In the year 1837, when the proceedings were first commenced, or shortly after the commencement of the Government proceedings in Chittagong.

8456. Were you the Judge addressed on this occasion?

No; Mr. Henry Moore was the Judge.

8457. Earl of *Ellenborough.*] Are you aware what steps he adopted?

He

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He replied to the letter, and explained that he had no feeling against the Government at all; that was all, I believe, he did. I have not a copy of his letter?

8458. Lord *Mont Eagle.*] That pamphlet does not give the answer of the Judge?

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8459. *Chairman.*] Are you aware of any similar instances of interference?

Yes. In the year 1848, I consider that there was an interference, which should not have been exercised, on the part of Government, in a criminal case which I tried myself.

8460. Earl of *Ellenborough.*] What was the nature of that case?

The interference was exercised in a letter addressed to the Superintendent of Police, a copy of which he was directed to send to the magistrate who committed the accused for the offence of affray, attended with murder or homicide; and I think that that letter, addressed to the Superintendent of Police, was such as might have biassed the magistrate in some way, and was not unlikely to bias him in the decision at which he arrived, and to induce him to commit men for trial who should not have been committed.

8461. Have you a copy of that letter to the Superintendent of Police?

I have not.

8462. *Chairman.*] Was this letter addressed to him in his executive capacity, as having charge of the police, or in his judicial capacity?

Certainly, as having charge of the police of the district; but I consider that it was impossible that he could read it with one mind as a police officer, and not be biassed as magistrate to decide on the guilt of the accused.

8463. Lord *Mont Eagle.*] By what official was the letter written?

By the Secretary to the Government of Bengal.

8464. Was that the same individual who wrote the former letter?

Not the same individual.

8465. Lord *Wynford.*] Was it in stronger terms than the former letter?

It certainly was in stronger terms, for it found fault with the apathy of the police officers in the case to which I am alluding.

8466. Earl of *Ellenborough.*] What was meant by "apathy"?

Not discovering the criminals.

8467. *Chairman.*] But, as far as interfering with the apathy of a police officer, is there anything objectionable in the Government doing that?

Not in addressing the Superintendent of Police, certainly; I should not say there was: but I think it was objectionable to send a copy of the letter to the magistrate. I myself was the judge who tried the accused, and I think that it did bias the magistrate, unintentionally perhaps, in the decision at which he arrived, and occasioned him to commit innocent people.

8468. Earl of *Ellenborough.*] What was the particular censure conveyed to the Superintendent of Police?

I recollect that one objection by the Governor-general or the Governor of Bengal was, that he had omitted for some number of days to report the occurrence of the affray and the death of the Natives to the Government; that, I think, was particularly objected to by the Governor-general.

8469. Were these persons afterwards arrested?

Some of them were afterwards arrested.

8470. And then they were brought before the magistrate for this offence?

They were brought before the magistrate, and committed by him for trial before me. I was specially sent to try this case. I might mention, as an instance to exemplify the bias of the magistrate, that he did not take any evidence before the accused, who were referred to in the Secretary's letter; he merely, on one occasion, caused the evidence to be read over to them, took their plea of guilty or not guilty, and then committed them for trial. I think that that almost bears me out in the opinion that he was biassed by the letter to which I refer.

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8471. *Chairman.*] The Superintendent of Police was instructed by the Government to send a copy of a letter, charging himself with negligence in a particular case, to the magistrate?

Yes.

8472. The magistrate in this case was to act, not judicially, but to act as the head of the police?

He was, first of all, to act as the head of the police; to apprehend the criminals, and to ascertain their guilt afterwards, and commit them, if he thought proper, for trial before the Sessions Judge.

8473. But as magistrate he was responsible in some degree for the conduct of the police, was he not?

Quite so.

8474. Is it not almost inevitable, from the confusion of the two duties together, that the interference which might be exercised by the Government in one capacity fairly enough, would be improper in the other case?

It would be so, I think.

8475. Lord *Mont Eagle.*] As I understand, the head of the police was to send a copy of the letter to the magistrate, he being the same individual; namely, to send a copy of the letter to himself?

No; the Superintendent of Police is over all the magistrates as regards the police; the magistrate is the head of the police of the particular district, and he sent a copy of it to him. In course of trial, the copy also came before me, the judge who was to try the case.

8476. Lord *Wynford.*] Do I rightly understand you to say, that the mere circumstance of the charges being read over to those men, that is to say, the depositions, caused in the mind of the magistrate a feeling of bias against the prisoners?

I think, if he had not been biassed against the prisoners, he would have taken the evidence in the presence of the accused. The witnesses who gave this evidence were not present; they could not put a single question to them. The witnesses who had given the evidence were not present, and the accused were never confronted with them; they had no opportunity of cross-examining them, to ascertain whether they told truth or falsehood. I afterwards ascertained that these witnesses were perjured men; at least, as far as I could ascertain at the trial.

8477. Was this the first opportunity of examination?

The first opportunity; in the first instance, in the magistrate's court.

8478. And then they were examined behind the accused men?

They were.

8479. Is that the general course of administering justice in India; namely, taking evidence in that mode?

No; these are exceptions, I should say, to the general rule.

8480. In ordinary cases, as in this country, is the evidence taken before the offender's face, and is he fairly confronted with the witnesses?

No. I did not understand your Lordship's question. Not in petty cases; it used not to be the case: what the rule is since I left India I do not know. I have been absent for a year; but it used not to be the case, in petty cases, to take the evidence before the accused; and generally the accused parties were not summoned until the evidence was taken, and the magistrate had heard the evidence, and could decide whether it was necessary to summon the accused or not. That was in petty cases.

8481. This was in a case of homicide?

A very important case indeed.

8482. Lord *Mont Eagle.*] Was there any peculiarity in the case which made it more right for the Government to interfere?

Yes; there was the peculiarity in the case that the affray had taken place close to the Governor-General's seat at Barrackpore, and I understand that on that account it was a very unusual occurrence, and the people were killed not very far from the Government House.

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8483. Earl of *Ellenborough*.] Was it an affray in which the military were engaged?
No; it was an affray for crops.

8484. Lord *Mont Eagle*.] There was no political element in it?
Not the least.

8485. Earl of *Ellenborough*.] Have you observed that any particular inconveniences arise from the union of the magisterial and police functions in the same individual?
I have; I consider, in the first place, that a magistrate cannot so dispassionately consider the evidence, if he exercises the united duties of police officer and magistrate.

8486. Do you think that when he has exerted himself for the purpose of arresting the person accused, he may perhaps feel a certain disposition to find that he has got the right man?
That is my opinion; I think my experience bears me out in that opinion, and in consequence I think that appeals are very much multiplied to the judges.

8487. In consequence of there really being a defect in the evidence?
A defect in the evidence which perhaps the magisteral police functionary does not perceive; he is unable to discover it.

8488. Is your experience of the evidence such as to give you a good deal of distrust of it; did you feel satisfied when you were convicting a man, that you were quite right that the evidence was true?
I had very great distrust of native evidence; generally I was guided more by circumstantial evidence, than by direct evidence.

8489. How were the persons appointed who acted as policemen; did you appoint them?
The magistrate appointed the subordinate officers, all subject to the control of the Superintendent of Police.

8490. That is to say, he had a negative upon the appointment?
He had.

8491. How did you find out the persons whom you considered fit to be made policemen; who suggested their names to you; did they offer themselves?
They offered themselves in general. Perhaps a man might have distinguished himself in some way; he might have shown alacrity in giving information leading to the apprehension of a criminal, or he might have been of some use in some public matter, and in so far he was selected; but, generally speaking, it is quite a lottery who are selected as the very subordinate police.

8492. Were there generally a number of persons applying at the same time for the situations?
A great number.

8493. Did they appear to be put forward by the native officers about the court?
I do not consider that they were. As far as my experience goes, I think that they appeared in too great numbers to be put forward by the native officers.

8494. Did you ever take the opinion of the native officers as to the eligibility of particular persons?
I have no recollection of having done so, but I suppose I must very often have done so.

8495. What had you to make you decide between one man and another; you could know nothing of any of them personally?
Very little, excepting in one or two instances, could I know of any of them.

8496. Did you make any inquiries as to their connexions, as to their former life?
I presume I must have done so; but I cannot say that I recollect instances of doing so. I should think it most likely that I took the most athletic-looking person, and the man who might be recommended, in case I did make any inquiries regarding them.

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8497. Were any of these men recommended by indigo planters or persons engaged in trade in the neighbourhood?
No; I think not.

8498. Had you occasion at any time to dismiss any of them for improper conduct?
I have constantly been obliged to dismiss the subordinate police officers.

8499. Did you find them efficient in detecting the perpetrators of common thefts?
No, not at all; they were inefficient.

8500. Were they inefficient, if there was any riot?
Perfectly so.

8501. They ran away?
They ran away.

8502. Lord *Broughton.*] Are these deficiencies of the system exceptional, or general?
With regard to the subordinate native police, it is not exceptional, but general, I think.

8503. Earl of *Ellenborough.*] Did it ever occur to you in what manner the police could be improved so as to make it more efficient and trustworthy?
I think if European superintendence was multiplied, the police would be improved, certainly.

8504. If you put at the head of detachments of it non-commissioned officers from the army?
Tried non-commissioned officers, I dare say, would be of very great use, provided their health would stand in Bengal, which is a matter of doubt.

8505. Earl *Powis.*] Was the inefficiency from the deficiency of pay, or from other causes?
The deficiency of pay, I think, is also an objection.

8506. If the pay had been raised in the provinces of which you are speaking, would there have been a better class induced to become policemen?
I doubt whether we should have had a better class. They might have been induced to be more honest and more scrupulous in the discharge of their duties. I doubt whether you could have got different men there.

8507. Earl of *Ellenborough.*] Would it not be necessary to raise the pay very greatly, in order to take them out of the reach of temptation and bribery?
It would be requisite, certainly, to raise it very much.

8508. Lord *Broughton.*] Have you had any experience of the military police?
No, I have not.

8509. Earl of *Ellenborough.*] These policemen are armed to a certain extent, are they not; have they not swords and shields?
They have swords and shields provided by themselves; they are not given by Government.

8510. No matchlocks?
No matchlocks in Lower Bengal.

8511. Did there appear to you, while you were administering justice in this district, to be any improvement in the general condition of the people?
I did not remark it.

8512. Were there any persons of considerable property amongst them?
In the particular district of Chittagong there were very few persons of property; the tenures there were exceedingly small.

8513. Did you ever reside in a district in which there were persons of large property?
I did.

8514. In

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8514. In what manner did they employ their property; had they a great many servants?

Generally speaking, a great number of retainers.

8515. Did they nautche?

Some of them did; for instance, the Rajah of Tippera, who is a zemindar, and also an independent sovereign, used to give a number of nautches, I understand.

8516. But their expenditure is only occasional, not general?

Their expenditure in those respects is only occasional; but the practice of the old families, and of those who have large landed possessions, is to be exceedingly wasteful and disregardful of their money.

8517. In what manner do they employ it in ornaments; do they buy rich ornaments for their wives and children?

No; I think it is very often expended in entertainments and dissipation, and displays, perhaps.

8518. What kind of dissipation; have they a great number of women?

I believe they have.

8519. Then the Brahmins get a good deal out of them, do not they?

I dare say they do, especially on the occasion of their funeral ceremonies.

8520. And their marriages?

And their marriages.

8521. They complain of it a good deal, do they not?

They practise it. I am not aware that they complain of it.

8522. If a great native goes to the Ganges and shaves his beard off, he has to pay very heavily for it, has not he; for any ceremony?

For ceremonies he has certainly to pay.

8523. Did cultivation appear to be extending?

I consider that it was considerably extending, in all the districts of that division.

8524. Were the occupiers bringing uncultivated lands under the plough?

They were.

8525. Where they brought uncultivated lands under the plough, what did they pay for them to Government; how was it assessed?

Generally it was on what they call the russidee jumma; that is, a yearly progressive increasing sum, at a low rate the first year, and raised gradually till it got to the full amount assessed on each begah.

8526. Were there no cases in which they had cultivated and uncultivated property, and could extend their cultivation without paying any additional rent?

No, I am not aware of any cases where they could get the uncultivated lands without paying additional rent.

8527. The uncultivated were not let to them with the cultivated at a fixed sum?

Not in Chittagong, under the Government assessment latterly made there. I refer to jungle land.

8528. What course is a man to pursue if he wishes to bring land under cultivation at present uncultivated; to whom must he apply?

To the collector.

8529. What would the collector do?

He would give him a lease of it at this progressively increasing jumma.

8530. Before that, must he not either see the land himself, or some one else?

Undoubtedly.

8531. What is the extent of the collectorate in acreage, or the number of square miles?

It may be about 25 miles broad; it is a very narrow district. It may be upwards of 100 miles long.

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8532. Do you think it is possible for the collector in each case to see the land, and to assess its value?

I do not.

8533. What would he do in that case, where he could not see the land?

He was guided by his subordinates.

8534. Were those subordinates trustworthy?

Not in every instance, I should say; some of them might have been, and some might not; I should not say it would be the rule that they were untrustworthy.

8535. Had a man who was desirous of extending the cultivation the option of refusing the land at the rent asked for it?

If he applied for it he would be expected to take it.

8536. No matter what the rent was?

No; if he agreed to the rent proposed by the collector.

8537. Lord *Mont Eagle*.] Would he receive information as to the rent before he began the tillage of it?

Before he began the tillage of it he would enter into his agreement as a matter of course.

8538. Earl of *Ellenborough*.] After how many years' service have you known gentlemen appointed to the office of collector, which requires this knowledge?

I can speak of my own case, in the first instance. I was appointed acting collector after I had been in the public service about 10 or 11 months; having the full powers of a collector, of course.

8539. We have been told that the collector has, to a certain extent, judicial authority; that is, that he deals judicially with the tenures of land and the rights of property. How had you been able to acquire any knowledge upon that subject in the 11 months which had elapsed since you came into the country?

I had been assistant to a collector during those 11 months.

8540. Do you consider that you had taken any information or knowledge so rapidly as to be able to perform satisfactorily the duties of the office at the end of the 11 months?

No, I do not consider it now.

8541. Do you think that anybody can in that space of time acquire a knowledge of the tenures of India?

Certainly not.

8542. May not the collector, therefore, in many cases unintentionally do grievous wrong to the persons who are placed under him?

He may.

8543. Lord *Mont Eagle*.] Is it not very unusual for a man to be appointed after so short a service?

I should think at present it would be.

8544. Do you know what the term of service now is before a party becomes acting collector?

I cannot give any exact answer to the question. In case of a collector going away sick, or dying, or anything of that sort, an assistant would be called upon on the emergency to perform the duties of acting collector.

8545. Earl *Powis*.] Where was it that you had acted at the time you mention?

At Tippera.

8546. Earl of *Ellenborough*.] How did you set about acquiring the knowledge requisite to perform the duties of collector; how could you acquire from any books a knowledge of the tenures of the district in which you were a servant?

If I had an opportunity of reading any books upon the subject, I might have acquired it.

8547. What books are there upon the subject?

There are the different regulations of Government, and also a book called "Murshman's Revenue Guide." There is another book, by Mr. Boutros, published

lished on the subject; and there are some other works which an officer now might have an opportunity of reading. In those days such works were comparatively few and difficult to obtain.

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8548. Do not the forms of tenure vary in different districts?
Very much.

8549. So that what you acquired, and what made you master of the experience of one district, would not assist you very greatly in another?
Not in a distant district, certainly.

8550. In what manner did these cases affecting the right to property come before you?
The most important cases that came before me were cases for the assessment of land, commonly called resumption cases, adding to the Government jumma of an estate.

8551. Were those cases in which the Government claimed that the person was not entitled to be rent-free?
The la-khiraj, or rent-free cases, were another description of cases. The cases to which I first alluded were generally increments, land thrown up on the river: the Meyna, for instance, which was a very large river, and where there were very important cases. The other cases were also important; besides that there were cases, called summary suits, where a collector sits judicially trying claims for rent between zemindar and ryot.

8552. Those were cases which would be decided in other countries only by a judicial tribunal?
Only by a judicial tribunal, I presume.

8553. And of course requiring all the knowledge which is requisite to enable a judge to decide?
It would require a knowledge of the laws of evidence, or experience in evidence, certainly; but it would not require such a complete knowledge as a judge is required to possess sitting judicially.

8554. In the la-khiraj cases, there might be required a very long distant proof of the rights of possession of the party, going back many years, might there not?
I should say not; that the principal point to be looked to would be the validity of the document under which the lands were held free from the payment of rent.

8555. But must not that document be of a certain date to give it validity?
Undoubtedly it would be required to be of a certain date.

8556. In all cases, did they produce some document to prove their rights?
In all cases where they appeared, so far as my experience goes, a document was produced to prove their rights.

8557. Was there reason, in any cases, to doubt the genuineness of the document produced?
Considerable reason.

8558. Were they accomplished forgers?
Very much so. I consider that some of the natives are very accomplished forgers.

8559. The signature was always affixed by a seal to these documents, was it not, or was it in hand-writing?
With respect to the sunuds, if the document was granted by a European functionary, it was in hand-writing and with a seal; if given by any of the native powers previously to our tenure of the country, it was generally by a seal.

8560. But the rent-free tenures originated before we were in possession of the country, did they not?
They did, generally speaking, but I imagine that there were a considerable number of documents that were registered. They were required to register to ensure their validity afterwards; and these documents being registered, were signed by the European revenue authority, or some European functionary.

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8561. That signature only attested the authenticity of the previous document?

It was corroborative of the document having been registered.

8562. For what period did you go back, in order to establish the right to la-khiraj; was it to 1765?

To 1765; I understand, it has been so ruled now.

8563. Have there been any cases, to your knowledge, where the Government have resumed lands which appeared to have been in possession previously to the year 1765?

I am unable to quote such a case at present.

8564. Were there many cases in which persons, who had been evidently for many years and for many generations in possession of rent-free tenures, were unable to produce the documents, and were therefore dispossessed?

I could not specify cases of inability, but I could particularly refer to cases where the Government took a portion of the land from the la-khirajdar without taking the whole, and without calling upon the la-khirajdar to produce any document.

8565. Was there no length of proved occupancy rent-free that was held to be as valid as a document to prove that there must have been some document upon which that possession was founded, so as to establish the presumption that there must have been originally a good title?

No, I consider that a document must have been produced in every case.

8566. Then the longer the possession, the less the chance of being able to produce the document?

There was a liability to its being lost or destroyed. If the original document was lost, and it was proved that the document had once been registered as valid, that would be sufficient to exonerate the la-khirajdar from the payment of rent.

8567. If a proprietor could prove that from the time of Akhbar he and his ancestors had held certain land rent-free, was not it considered as affording sufficient presumption that there must have been a document to give him that right?

I do not consider that it would have saved him.

8568. Lord *Colchester*.] Were they in the habit of registering them in the courts of the native prince?

It was one of our laws that they were to register all their sunuds or documents in the office of the collector.

8569. It was a British regulation?

It was an enactment of the British Government.

8570. There was no necessity for it, extraneously?

Not under the native princes, that I am aware of.

8571. Lord *Mont Eagle*.] Are the records of the collector very carefully kept upon a change of appointment?

I do not think that they are carefully kept generally.

8572. What is the value of registering if the records are not carefully kept?

I have seen cases where they have been very badly kept.

8573. Then the registry of the document is of very little value?

It is very difficult to discover in some instances whether it has been registered or not, in consequence of the document being nearly illegible or destroyed.

8574. Earl of *Ellenborough*.] Did you ever hear complaints on the subject of the administration of the law in the resumption of rent-free tenures?

I have heard general complaints of it.

8575. Did it appear to you to shake very much the confidence of the native proprietors in the administration of justice by us, and the security of their property?

My own opinion is, that it must have shaken their confidence in the security of their property as regarded the la-khiraj tenures.

8576. Do

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8576. Do you recollect any case in which a witness was imprisoned in order to secure him as a witness upon a particular occasion?

I cannot exactly refer to any case at present.

8577. Did any such happen within your own knowledge at any time; had you ever reason to imprison a man in order to keep him as a witness?

Without being able to particularize any case, I consider that I must at some time or another—perhaps not on one occasion, but on several occasions—have put witnesses in confinement; not exactly in prison.

8578. Under detention?

Under detention.

8579. For any considerable period?

I should say not.

8580. Lord *Wynford.*] Was that to prevent them from being tampered with, or from being ill-treated?

Either to prevent their being tampered with, or to prevent their going away without giving their evidence.

8581. Earl of *Ellenborough.*] May not those witnesses have come from a considerable distance?

They may have done so. From the great extent of the districts, in many cases witnesses must come from a great distance.

8582. At what distance from each other were the points between which you administered justice in your court; was it the end of a march?

I should think one or two days' journey would be the distance between each two courts.

8583. Two marches; about 18 or 20 miles?

The districts in Bengal are not so close as that in general.

8584. Do they march more than 10 miles a day?

Your Lordship is alluding to the case of a magistrate moving about his district.

8585. Yes?

Ten or twelve miles might be about the distance.

8586. Then you think you generally moved about two days' journey from court to court?

I did not understand the question which your Lordship put; I understood it to relate to the distance of each permanent magistrate's court from the other.

8587. The magistrates travelling about——

About a march each day is the distance which the magistrates travel. I had very little travelling about myself as a magistrate; I was generally stationary.

8588. When you were stationary, what was the extent of the district from which the witnesses had to come to your court?

Particularizing a district I held, the office of magistrate of the 24 Pergunnahs from Saugor to Calcutta, I should think a distance considerably upwards of 100 miles.

8589. Do you mean to say that yours was the only criminal court in that district to which all persons were to resort for justice, and that you remained fixed in the same place?

Mine was the only criminal court between Saugor and the suburbs of Calcutta.

8590. How far were you fixed from Calcutta itself?

At Allipore, about a mile from Calcutta.

8591. Then the furthest part of your district was 100 miles from your residence?

At least that, I should think.

8592. The witnesses from the extreme point would have to come 100 miles?

They would.

8593. Lord

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8593. Lord *Mont Eagle*.] And that for the most trifling cases?

For the most trifling cases, even of petty assault.

8594. Earl of *Ellenborough*.] Was it never suggested to you by the Government that it would be better for you to live somewhere nearer the centre of the district?

No, it was not; and with regard to that particular magistracy, it would have been impossible to have moved the magistrate elsewhere, for he was also superintendent of the gaol at Allipore, unless there had been a separate superintendent appointed. That was a large convict establishment.

8595. What was the extent of your judicial duties as a judge; were you occupied for a considerable period of every week?

Every day most busily occupied.

8596. Lord *Wharncliffe*.] Did you ever visit the distant part of your district?

Not in the zillah of the 24 Pergunnahs. I only held the appointment for a year.

8597. You never went beyond the place where you held your court?

No; it was impossible I could do so.

8598. Had you many cases brought from these remote parts of the district?

I should say, speaking from my recollection of the district, the cases of importance were few from the remote parts of the district; it is a part of the country very thinly inhabited, among the Sunderbunds; but cases did occur, certainly.

8599. Earl of *Ellenborough*.] Was there a good deal of water communication in your district?

A great deal of water communication.

8600. It is upon that water communication that a good many of the dacoities take place, is it not?

Undoubtedly there are very grievous dacoities.

8601. What means had you of repressing them; was there any good strong river police?

There were a few guard boats.

8602. Were they manned by these men who had swords and shields?

They were manned by the same class of people as the common burkandauzes.

8603. Was no attempt ever made to get any seamen or maritime persons into that boat police?

I am aware of none.

8604. Had they any fights with any of the dacoities?

During the year that I was magistrate, I have no recollection of such an occurrence taking place.

8605. But were there dacoities in that time?

I am not aware of river dacoities; there were several land dacoities.

8606. Lord *Wharncliffe*.] Is the superintendence of the gaol at Allipore always connected with the magistracy of that district?

It is.

8607. Is it subject to general changes?

No; the changes are perhaps fewer in that appointment than generally speaking. I had held the appointment of the judge of a district before, and came down to the magistracy; and when the judge vacated the appointment of judge of the same district, I was removed from the magistracy to the judgeship in that short space of time.

8608. Earl *Powis*.] What class of person was the actual governor or resident at the head of the gaol?

He was a European.

8609. Not one of the Company's servants?

He was an uncovenanted European.

8610. What

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8610. What sort of position did he hold, and what allowance had he?
A very subordinate position, and small allowances. The person who last held the appointment (I forget whether it was during my time or not) had been a serjeant in the Company's artillery; and a very good gaoler he made.

8611. Earl of *Ellenborough*.] How many prisoners are there ordinarily in Allipore Gaol?
I think the last time I saw a return there might be about 1,100. That is considerably reduced, for the courts now very seldom sentence prisoners to imprisonment in the gaol; they are generally transported.

8612. Earl *Powis*.] What was the largest number while you were magistrate there?
I should think between 1,400 and 1,500, as far as my recollection goes.

8613. Earl of *Ellenborough*.] If a gentleman happens to be sent to prison, he goes to Allipore, does not he?
No.

8614. Would it not be possible and convenient to unite the superintendence of the Allipore Gaol with some magisterial office in Calcutta, rather than with the magistracy of the 24 Pergunnahs; would it not be convenient that it should be united with the office of the Chief Magistrate?
I should say it would be inconvenient, because the Chief Magistrate of Calcutta ought to reside within Calcutta, and the Superintendent of the Allipore Gaol, in my opinion, ought to reside quite close to the gaol. Sudden outbreaks occur there, when the Superintendent's presence is urgently required; for instance, very lately there was one.

8615. The distance is not above a mile, is it, from the residence of the Chief Magistrate of Calcutta to the Allipore Gaol?
It depends upon where the Chief Magistrate resides.

8616. It could not well be more than a mile?
It could not be more than a mile, I dare say.

8617. The Calcutta militia is close by, is it not?
It is.

8618. Can there be anything much more inconvenient than giving the superintendence of the gaol to the magistrate of the 24 Pergunnahs, who has so very extensive a district?
Formerly the inconvenience was great, I think; but at present, when there are such a number of deputy magistrates, I do not think that the inconvenience is so great.

8619. How many deputy magistrates are there in the 24 Pergunnahs now?
I am not aware.

8620. Some of those deputy magistrates are uncovenanted, are they not?
All the deputy magistrates are uncovenanted.

8621. Is there a separate salary for the superintendence of the gaol, and for the magistrate's office?
No, they were consolidated.

8622. Had they always been consolidated?
As far as my recollection goes, they had been; the salary was 28,000 rupees a year.

8623. Are there any other points upon which you would wish to give evidence?
I would particularly wish to make one or two remarks regarding the extreme youth of the magistrates who have been at different times, or may be, employed in the districts; and I could do it more conveniently, perhaps, to your Lordships, if I were to read an extract from a letter which I submitted to Government on the subject. It is not only the union of the office of Criminal Judge and of Executive Police Officer in the same person that operates banefully in our judicial system; the extreme youth, too often, of the magistrates, is another and just cause of complaint against the constitution of our criminal tribunals in the Lower Provinces of the Bengal Presidency, and, it seems to me, is cause of

objection

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objection in the Upper Provinces too. It has been stated that a magistrate can sentence one whom he may consider an offender to imprisonment for three years, with labour on the roads, and in irons. These are powers more extensive than are exercised by any single magistrate in other parts of the dominions subject to Great Britain: these powers are, I think, in fact, now unsuited to and uncalled for in the Lower Provinces. The youth and inexperience of the magistrates who exercise such powers has, I am aware, formed the subject of comment and objection in a letter written by one of the Zillah Judges to the Register of the Sudder Court. That was the letter I alluded to as having written myself. I, in the letter referred to, made the following statement regarding the period at about which several magistrates, or officers exercising the powers of magistrates, had that authority entrusted to them after they had been declared qualified for the public service: "One was a magistrate, or exercised the powers of a magis-" trate, three months after being declared qualified for the public service; three " were magistrates, or exercised the powers of magistrates, seven months after " being declared qualified for the public service; one was a magistrate, or " exercised the powers of a magistrate, seven months and a half after being " declared qualified for the public service; one was a magistrate, or exercised " the powers of a magistrate, eight months after being declared qualified for the " public service; one was a magistrate of a district, or exercised the powers of a " magistrate in a district, eight months and a half after being declared qualified " for the public service; one was a magistrate of a district, or exercised the " powers of a magistrate in a district, nine months after being declared qualified " for the public service; two were magistrates of districts, or exercised the " powers of magistrates in districts, 11 months after being declared qualified for " the public service; one was a magistrate of a district, or exercised the powers " of a magistrate in a district, 11 months and a half after being declared qualified " for the public service; one was a magistrate of a district, or exercised the " powers of magistrate in a district, one year after being declared qualified for " the public service; two were magistrates of districts, or exercised the powers " of magistrates in districts, one year and two months after being declared qua-" lified for the public service; one was a magistrate of a district, or exercised " the power of one, one year and four months after being declared qualified for " the public service; two were magistrates of districts, or exercised the powers " of magistrates in districts, one year and six months after being declared qua-" lified for the public service."

8624. You have mentioned 17 magistrates, all of whom exercised the power of magistrates within 18 months after they were so declared qualified?

Yes, and one even at three months.

8625. Lord *Mont Eagle*.] Out of what length of time have you selected those examples?

It is during a period of several years.

8626. Over how many years does it extend?

The first case is dated in 1837, and I go on to 1843, I think.

8627. Earl of *Ellenborough*.] That is all in the course of six years?

Yes.

8628. There is no person in India to assist the magistrate with a trustworthy opinion as to what he should do, is there?

No person officially appointed so to do; he may consult a friend, if he has one.

8629. He is in fact alone?

He is.

8630. Unless he consulted a Native, who would give him a bad advice?

He might, perhaps, consult the Collector, who is at the station; or even the Judge, if it would not be incompatible with the Judge's hearing an appeal from his decision afterwards.

8631. Would it not be rather inconvenient that the Judge and the Collector should be interfered with in the middle of the transaction of their duties by an application from the magistrate to know what he was to do?

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In the midst of the transaction of their duties it would; but I was not alluding to their being so employed.

8632. In the administration of his duties, the magistrate has no one to assist him from the first?
He has not.

8633. What could that gentleman do who had only been three months dismissed from college; how could he perform the duties of magistrate?
I do not consider that he was qualified to perform them. May I add, that I believe, that in the Upper Provinces, at least, that system is still continued of appointing very young men with the powers of magistrates; it may not be carried to such an extreme extent in the Lower Provinces at present.

8634. Is it not, in point of fact, the necessary consequence of the system of appointment at present; are there any means by which it could be avoided, unless the number of persons in the service were very greatly extended; in that manner at some distant period it might be avoided, but could it be so under the present circumstances of the service?
In that way it might be, by appointing a greater number of persons in the service.

8635. But at present, unless you took the young gentlemen, you would have no one to take?
At present you would have no one in India.

8636. Is there any other point to which you wish to refer?
I believe I have alluded to the junction of the police and the magisterial functions.

8637. Lord *Wharncliffe.*] Was that letter, from which you have quoted, a letter from yourself to Government?
It was to the Register of the Calcutta Sudder Court; it was published afterwards by orders of the Government.

8638. Earl of *Ellenborough.*] Can you suggest any mode of training persons for the judicial office which would enable them at once to perform its duties satisfactorily?
What occurs to me as the best remedy at present, would be to keep the judicial department quite separate from all others, and to have the European or covenanted functionaries appointed to some very subordinate judicial office, and so trained for higher employment.

8639. Lord *Broughton.*] Do you mean such subordinate judicial offices as are filled now by the Natives?
Such subordinate judicial offices, with similar powers to those which are held now by the Natives, or even inferior.

8640. A moonsiff, for example?
I would even in the first instance give them less power than a moonsiff at present has.

8641. Earl of *Ellenborough.*] Would it not be most convenient that before any gentleman is called upon to exercise judicial duties himself, he should have previously seen judicial duties exercised by others, and so have learned them?
I consider it would be very useful to him if he sat occasionally in courts with some of the experienced Judges, or even was obliged to attend in the Supreme Court in Calcutta.

8642. That he should have the practical education which is always obtained by persons destined for the legal profession in this country?
Yes; and that he should understand how to conduct himself with calmness and dignity in his own office.

8643. In this country, a young man who wishes to get forward in the profession does not satisfy himself with reading books at home, but attends the courts, and makes notes of causes, does he not?
I presume he does.

8644. But in India a young man would have no opportunity of doing that?

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He would neither have opportunity, nor would he have leisure, unless he were allowed or directed to attend as part of his duties.

8645. If intended for the judicial service, might not he be in Calcutta for 18 months or two years, and required to attend the courts, and report his observations, and show his notes upon the cases which occurred?

He might be so, certainly; or with equal advantage he might be in the Mofussil attending the court of some judge of repute.

8646. Lord *Wynford*.] Is there not this difficulty, that if you put these young gentlemen into these smaller offices, you displace the Natives, whom you wish to encourage, and if you do not, you give them no training whatever?

The European functionaries are so comparatively few, that I question whether it would operate prejudicially by displacing any Natives; it might displace one or two, but the offices of Moonsiff are very numerous, and I should think it would hardly displace any Native.

8647. Earl *Powis*.] At what rate would you pay these Europeans, filling these offices, such as moonsiffs?

About the same as they are now paid as assistants to magistrates and collectors, which is about 400 rupees a month in the lower grade. At present, I believe, no covenanted servant holds a smaller salary than 400 rupees a month.

8648. Earl of *Ellenborough*.] He has 300 *l.* a year if he is unemployed, has not he?

I fancy something about that.

8649. Have the gentlemen appointed to the situation of Sudder Judge been, as far as you are aware, persons who had been for a considerable period employed in the judicial service, and competent therefore to act as judges of appeal?

In my experience, gentlemen are appointed to the Sudder who have not had much, or sometimes any, judicial training. I could refer to the constitution of the Sudder Court, as it existed at the time when Mr. Frederick Millett was examined before your Lordships' Committee. I observe that he remarked on the great evil of the want of training of Zillah Judges, and he also stated in his evidence that the Sudder Judges generally were officers of the greatest judicial experience; but my experience leads me to form a different opinion. At that time there were three Judges in the Sudder Court, who were appointed without, I believe, ever having sat as Judges in any subordinate court.

8650. To what period are you referring?

May 1852.

8651. Had they been in the Revenue service, and not in the Judicial service?

One had been a very distinguished Revenue officer; another had sat as the magistrate of a zillah for many years; and the other, Mr. John Colvin, who is now a Judge of the Court, I am not aware had ever been in the Revenue or Criminal Judicial department at all.

8652. Is that the Mr. Colvin who was private secretary to Lord Auckland?

Yes.

8653. Was not he afterwards commissioner somewhere?

He was commissioner at Moulmein.

8654. Was not he at Nepaul?

For a few weeks I believe he was.

8655. But he had no experience in the internal administration of the country?

In the internal judicial administration of Bengal he had no experience.

8656. Lord *Broughton*.] It has been suggested to the Committee, that occasionally it would be advantageous if vakeels of experience and character were raised to the Sudder Bench; is that your opinion?

Not to be raised directly to the Sudder Bench. I think they might go through the lower departments of the Judicial service, and arrive at that position.

8657. It

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8657. It has been stated that a man in good practice as a vakeel could not afford to accept one of the lower judicial places which are now given to Native officers, and that, therefore, unless he should be raised to the Bench, it would not be worth his while to give up his practice?

He would have to make that sacrifice, I should think. With regard to the three gentlemen whom I have mentioned, one of them did sit as a Zillah Judge for about one month, and that was all the experience that he had when he was appointed as a Judge of the Sudder.

8658. Earl of *Ellenborough.*] Is it not only very recently that gentlemen have been appointed to the Sudder who have had no previous experience; is it not within the last three or four years?

It has become the practice more recently, I think; indeed it appears to be almost the rule now.

8659. Mr. Millett had been in the Judicial Department, had he not?

He had been a Zillah Judge.

The Witness is directed to withdraw.

GEORGE GORDON MACPHERSON, Esquire, is called in, and examined as follows:

G. G. Macpherson, Esq.

8660. Earl of *Ellenborough.*] WHAT was the extent of your residence in India?

I went to India in the Bengal Medical Service, and I remained there consecutively for 21 years, during which time I was attached to every branch of the Military Service; but the latter and by far the greater part of my service was in the Civil Department, at the stations of Beauleah and Moorshedabad. I retired from the service, and subsequently became a member of the firm of Carr, Tagore & Co., of Calcutta, of which firm the late Dwarkauth Tagore, who was in this country, was the head.

8661. In what year did you leave?

I left in March 1847.

8662. Had you been 21 years in the country; or was it 21 years before you left the Medical Service?

I was 21 years in the country before I left the Medical Service, and two years afterwards as a commercial man in Calcutta.

8663. Have you still mercantile connexion with India?

I have not; I have had scarcely any since 1849.

8664. In the course of your experience in different parts of Bengal, had you any opportunity of observing the efficiency or the inefficiency of the police?

I had various and many opportunities during the time I was both at Beauleah and Moorshedabad. At that time the police was, I think, worse even than, from all accounts, it is now; at least it was when I left Calcutta. There was then very great difficulty in laying hold of dacoits; in fact they very seldom were laid hold of; frequently the wrong persons were apprehended and kept for considerable periods in durance under examination, and after all acquitted. I have known, when at Beauleah, people brought from upwards of 100 miles, and kept for weeks at the zillah station, and then dismissed, there being no proof against them.

8665. What was the extent of the Moorshedabad district?

It is a large district; I cannot say the exact extent; it extends as far as the mouth of the Bhagrittye, and towards the Jallinghy River.

8666. Does it extend to the main stream of the Ganges?

To the main stream of what is called the Pudda, at its confluence with the Bhagrittye River.

8667. Is it of any considerable breadth?

It

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It varies; I should think the distance from the Bhagrittye to the Ganges is about 27 miles.

8668. Is the population very considerable?

The population is very large indeed, but I do not know the exact amount; it is one of the most populous districts in Bengal.

8669. What is the population of the city of Moorshedabad?

I cannot recollect what the population is, or was, when I was there; there were various calculations made, but I have not them by me just now.

8670. Is it not very much diminished from what it was?

The town itself is very much diminished, and a great deal of it is in a dilapidated state; but whether the population is diminished or not I am not aware; there certainly is a very great diminution of opulent people in that part of the world.

8671. What was the strength of the police in the city of Moorshedabad?

I really cannot tell; there was a large number of burkandauzes, and these were increased and diminished. The magistrate had the power, I believe, to employ what they call teka burkandauzes occasionally, when necessary. The number of the police I am not aware of, but I know that they were considered very inefficient.

8672. Did you ever suffer any loss yourself from theft?

I did not. I was a proprietor of silk filatures in the district and neighbourhood of Moorshedabad, and I may have suffered some trifling losses, but not to any very great extent. I generally had a considerable number of up-country people taking care of my property, and I found them efficient; I consequently never lost anything of importance myself.

8673. Did any material losses sustained by others come to your knowledge?

I was constantly hearing of serious losses and dacoities; they were frequently occurring, but it was seldom that the depredators were found.

8674. Were the dacoities attended by loss of life?

Not often; it sometimes did occur, but not at all frequently.

8675. How is a dacoity perpetrated?

The Natives of Bengal, as your Lordships are aware, are timid, and very easily alarmed. A noise is heard in the village when it is dark, perhaps in the middle of the night. The chookedars generally decamp: they may have been, or may not have been, in collusion with the people committing those illegal acts. The inhabitants bar their doors and windows, and conceal themselves in every possible way; in fact the dacoits are allowed to do whatever they please.

8676. What do they do; do they attack the houses of wealthy Shroffs and merchants, or do they pillage the villages?

They usually confine their acts to villages, and do not attack the Shroffs, because they have almost invariably a very large force of up-country burkandauzes to take care of their property, who can really be trusted. The consequence is, that the dacoits rarely attack those persons; but the poor Native, if it is supposed or known that he has money or property, his house is attacked, and the property is carried off.

8677. Do you see any objection to the Government maintaining as its own servants some of these up-country people, giving them arms and a certain degree of discipline, and employing them as policemen for the defence the people?

No, I see no objection at all to that. On the contrary, I should conceive it to be one of the first steps necessary to render the police of Bengal efficient. It has been said that these up-country people would be cruel and oppressive amongst the Natives of Bengal; but I think they would do a great deal more good than harm.

8678. Lord *Wharncliffe*.] When you talk of up-country people, whom do you mean?

I mean the Rajpoots. They are men of high caste, and from the North-West Provinces.

8679. Earl of *Ellenborough*.] The persons to whom you allude are those who probably

probably would be hardly received into the army, but of the same description as the Sepoy? *G. G. Macpherson, Esq.*

Yes; and I imagine more of them would be received into the army. 28th July 1853.

8680. Men of inferior stature would answer for this purpose?

Yes; but the up-country burkundauzes generally employed in Bengal, I think, are stronger and finer men than the Sepoys of India.

8681. Do they get higher pay?

From the Mahojjans, and Shroffs, and large merchants they get, perhaps, not such high pay; but they get a good many perquisites, ghee, and various other things.

8682. In short, it is a better thing to be one of the private burkundauzes of a Shroff than to be a Sepoy?

No, I do not think so; but it is a thing which is much coveted by the Natives. They are anxious to get into the employment of a wealthy man, with whom they sometimes remain a long time.

8683. Then the defect of the police is such, that in the Lower Provinces a person is obliged to employ private parties for himself, and to depend upon them for his security?

I should say, almost entirely.

8684. Were many dacoities committed on the river?

When I was stationed at Rajshye they were very frequent; the guard boats that were employed were found very inefficient. In fact, it is a most difficult thing, and I am really at a loss to suggest any plan by which these river dacoities can be stopped, because when the streams are very strong (which is the case, as your Lordship is aware, during the rains, and just as the waters are subsiding), these dacoities are committed, and having fast long boats, they are perhaps 30 or 40 miles away before the magistrate or police are aware of it.

8685. On the other hand, when the river is low, the dacoites are sure of their prey, for the men cannot escape up the steep banks?

No. I am aware that in these cases very many dacoities take place which are never reported; that the people are absolutely afraid to say that they have been robbed for fear of being detained, which would most assuredly be the case, for perhaps some time before the case was fully investigated. With regard to the inefficiency of the police, I conceive that in Bengal it owes its origin to the very small amount expended for that particular object. I believe that the amount expended for the whole of Bengal, which has a population of about 40,000,000 of people, is about 100,000 *l.* Now, in the North-Western Provinces about 170,000 *l.* is expended for the same purpose.

8686. But if the policemen are so very inefficient, and run away, there would be no very great use in adding to their number, would there?

I am of opinion, and I always was of opinion whilst in India, that the Government did not make use of all the assistance that they might have commanded. I think that military men, for instance, might be much better employed in aiding in police matters, than in escorting treasure from one part of the country to the other, which, in fact, is the principal duty they have to perform, excepting when on actual service. I refer to European officers belonging to native regiments, many of whom are, I should say, peculiarly well qualified for police duties.

8687. Lord *Wynford*.] Can you state the difference between the pay that the shroffs give to the up-country men, and the amount which the Government pays to the common policemen?

I believe the common police of Bengal get on an average about four rupees a month; I believe sometimes even less than that. I may mention that the amount received in pay by a policeman of Bengal, (and I fancy the remark applies equally to the Upper Provinces) is a very small consideration with him. He would be happy to take the work for nothing, because he never goes to execute a warrant without being well paid and feed by various parties before he finds the right one.

8688. What pay does the shroff give?

The shroff, I think, never gives less than five rupees.

8689. Does

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8689. Does that secure a trusty servant?

It does. I mentioned, in reply to a former question, that these men, besides getting five rupees, are generally kindly treated by the shroffs, who give them ghee, rice, and various things, in addition to their pay. I cannot say exactly the value of these perquisites, but the shroffs endeavour always to make their burkendauzes content and satisfied.

8690. Earl of *Ellenborough*.] So that the five rupees may almost be considered as net pay?

It may be so considered.

8691. The expense of the maintenance would not be above two rupees, would it?

It would be more; these up-country Natives eat a great deal more, and they are not satisfied with the same food as the Bengalese.

8692. They do not like rice, do they?

They eat very little rice; they generally eat dawl and ottah, and such things.

8693. Then you would wish rather to give a military organization to the police; to place it under military officers, and to have a superior class of persons from the up-country?

These are points which I think advisable. To a certain extent I would do so; but I would strongly advise the employment of any efficient person who was willing to take service, whether a Native or a European, who might be considered eligible for any appointment which might be vacant.

8694. For superintendence?

For the superintendence of a certain portion of a district. I conceive that it is an absurdity to talk of one magistrate superintending a district 120 miles in length.

8695. Was not there an irregular battalion in the neighbourhood of Moorshedabad at no distant period?

It is a considerable time ago.

8696. Ten years ago?

It is much more than that. There was what they call a provincial battalion at Moorshedabad.

8697. Subsequently to that period, was not there an irregular battalion, of which the head quarters were in that neighbourhood?

No, none. There were provincial battalions all over Bengal at one time.

8698. They were abolished?

They were abolished. They were to a certain degree of use at times, but, upon the whole, I should say scarcely worth the expense. They employed low-caste men, and I think they were a very indifferent description of military police, and at times very oppressive.

8699. Lord *Wynford*.] Your suggestion for the improvement of the police is, the better payment of the men, and military organization?

Military organization, to a certain extent; that would only be in the first place, for I conceive that by-and-bye the Natives themselves will be able to do a great deal, if they are employed, especially since it has been determined that moonsiffs are to do some part of the magisterial work. I think that such an arrangement will assist very considerably. Formerly the moonsiffs did nothing but civil business; and now I understand that they are to have magisterial powers to a certain extent, which I think will work well.

8700. Earl of *Ellenborough*.] Have you considered the composition of the Legislative Council, and whether it would be expedient to make any additions to it, or alterations in it?

Yes; I have given that subject serious consideration, and I think the natives of India will be exceedingly dissatisfied when they ascertain that they are debarred from having anything to say in legislating for their own country.

8701. Are you speaking of the Bill now in the House of Commons?

I am.

8702. If

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8702. If you look at that Bill, do you not see in it the power of appointing two Natives?

I confess I cannot see it; it must be at a long distance.

8703. By that Bill the Governor-General is authorised to appoint two additional members of the Council, and may appoint any person who has been 10 years in the service of the Government. Any Natives, therefore, who have been 10 years in the service of the Government are eligible to fill those two situations in the Council?

I am very glad to hear it bears such an interpretation; in the copy of the Bill that I received, it stated civil servants.

8704. In point of fact, without being civil servants covenanted, if they have been 10 years in the service of the Government they will be equally eligible as uncovenanted servants under the Bill as it stands?

I am very glad to hear it.

8705. Without admitting the Natives to the Council itself, has it ever occurred to you that advantage would be obtained by constituting, by the authority of the Government, bodies of Natives, Hindoos, and Mahommedans respectively, to which body should be submitted any particular matter more especially connected with their respective religion, for their opinion, not for decision?

I have not given any consideration to that point; but I think it would be one which the Natives themselves would very much prize, provided there was a probability of their suggestions being followed up by the Government.

8706. Would it not be more advantageous to the Government to have the power of communicating with a constituted body of that description, rather than to be obliged to go to individuals who might be selected for their private opinions?

Most assuredly. My own idea is, that it is almost impossible for any Legislative Councillor to obtain opinions from Natives on subjects that might be before the Legislative Council, of such value that he could by any possibility legislate on them.

8707. Lord *Broughton*.] Is it not the case that between the first and the second Reading, as we call it in England, of a proposed Act of the Legislative Council, three or four months generally intervene, and that during that time it is not at all an uncommon thing that petitions are presented against the clauses of that Bill, which petitions often come from Natives?

I am aware that is the case; but I know that remonstrances against Acts have not been attended with much success.

8708. Do you think that instead of that form of remonstrance, namely, by petitioning, it would be advisable that persons entertaining objections to the clauses of a proposed Act, should have the opportunity of orally stating their objections?

I think that it would be of very great importance if they were allowed to do so.

8709. Do you not think that it would give greater satisfaction to the Natives generally if they were aware that persons entertaining objections, whether just or unjust, were heard personally before those who had finally to pass a law?

I am perfectly certain that such a course would give the greatest satisfaction to the Natives.

8710. And you do not see any practical objection to such a course being pursued; you do not see any practical objection, to individuals who object to a proposed law, stating personally and orally their objections, instead of stating them by writing?

None whatsoever.

8711. Lord *Wynford*.] It would give greater satisfaction?

Much greater satisfaction, because they are not aware from whence the law emanates now. They hear that it is from the Board of Control, from the Court of Directors, or from the Government. In fact, they do not know where to apply, or what to do. Naturally they remonstrate or send in a petition to the Government, and these petitions generally are attended with no good result.

8712. Lord *Broughton*.] Do not you think that if such a course were pursued, some

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some faults which occasionally appear in the legislation of India would be either altogether obviated or very much palliated?

I am quite sure of it, and I would instance one particular Act, that is No. 21 of 1850, which has been so much objected to. If Natives had been allowed to come forward and state orally before the Legislative Council their objections to this Act, I cannot but think that the Government would have paused before they made the enactment.

8713. But more particularly in the mode in which it is to be carried out, than in the spirit of the Act itself?

Decidedly. The consequence is, that this Act has created very great agitation at the Presidencies, and I trust and believe that that agitation is as yet confined very much to the neighbourhood of the Presidencies, because there the people are more educated, and look more to what the Government are doing than they do in the interior. But if the Native army were once to become impressed with the idea that we were legislating to make converts of them and their children, I am afraid to think what the result might be.

8714. It has been stated, with reference to that Act to which you refer, by a witness before the Committee in the other House of Parliament, that the objections to it were not so great as were usually supposed, and that if that sort of examination had been given to it to which I have before alluded, there would have been very little, if any, of this agitation?

I cannot say from my own knowledge what might have been the effect; but I cannot help thinking that a law which strikes at the root of Hindoo inheritance would have occasioned a great deal of dissatisfaction to the Hindoos generally, under any circumstances.

8715. Earl of *Ellenborough*.] If a Native were to be selected for a seat in the Council otherwise than as is practically provided for by the Bill, as it now stands, how would you propose that he should be selected?

I should propose that he should be selected by the Governor-General, and that it should be publicly intimated that such a person had been selected. If any serious objections were entertained by parties who paid a considerable amount of revenue to the Government, I should suggest that those parties should state their objections to this nominee, and that the Government should nominate another, if thought necessary.

8716. Lord *Broughton*.] Do you mean the Governor-General in Council, or the Governor-General personally?

I meant the Governor-General personally. The chances are, I think, that he would require from his Council, or he might not; he might know of a person whom he thought eminently qualified for that situation, who might not be a friend of the Secretary or any of the parties about Government, who exercise a good deal of power in the distribution of appointments generally; the Governor-General might thus appoint a person who would give very great satisfaction to the country generally.

8717. Earl of *Ellenborough*.] Do you think that it would give general satisfaction to the country, speaking of the whole of Bengal for instance, if any gentleman who was merely known to the society at Calcutta were appointed as a Native Member of the Council?

I should say so, decidedly; that they would be very highly pleased if a Native were appointed to the Legislative Council. I conceive that the appointment of a Native to the Legislative Council would act beneficially in various ways; and in no way more so than this: supposing an Act is about to be made which the Natives at first might consider objectionable, I think that a Native in the Legislative Council might convince his brethren that it was not so, by stating the opinions given by the gentlemen of the Legislative Council, and thus prevent agitation, and do a very great deal of good.

8718. In order to give satisfaction, would it not be necessary that any Native appointed to the Council should be a very zealous religionist; that his religion should not be suspected in any way?

I should say so; I do not think it is necessary that he should be a particularly high-caste man; but whatever his caste may be, that he should pay particular attention to what is deemed necessary, according to the particular caste to which he

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he belongs; some Hindoos are not allowed to eat anything that has ever lived; others again may eat meat.

8719. It would be satisfactory, then, to the Natives to know, that under the Bill, if it should pass into a law as it stands now, the Governor-General being authorised to nominate two persons to the Council, might nominate any Native, provided he thought that Native a proper person to nominate, and provided that Native had filled a situation under the Government for 10 years?
Yes; I conceive that that would be satisfactory to the Natives.

8720. Under the Bill as it now stands, if a Nawab of Moorshedabad, or the Rajah of Belgaum, held a situation under the Government, he would be eligible for the Council?
Yes. I am, however, scarcely aware of any Natives, excepting those who have held the offices of Sudder Ameens and Moonsiffs, and that description of people, who have been actually in the service of the Government; there may be some, but I am not myself aware of any.

8721. Lord *Broughton.*] Do not you think it possible that the complete separation, or the almost complete separation which is now contemplated, of the Executive from the Legislative power, and the creation of a body composed of persons of great authority, for the sole purpose of Legislation, may, in the eyes of the Natives, very much or somewhat diminish the respect and the authority of the Governor-General?
No, I am not of that opinion; I think that the circumstance of the Governor-General having a Council to assist him in making laws, will rather strengthen the respect of the Natives towards him, and favour any law which is enacted.

8722. But is it not the fact that Orientals generally look up to the Supreme Power as the author of all law, totally distinct and irrespective of all other authority whatever, and all other assistance?
That was the case some years ago, but I do not think it is so in India now; not to the extent that it was when I first went there, by any means.

8723. You do not think, then, that there is any danger of a diminution of the power and authority of the Governor-General in the eyes of the Natives by such a distinction between the two powers?
No, I do not think so at all. I might mention, with regard to the Act which has created so much agitation (namely, No. 21 of 1850), that the Natives considered it very irritating, and it is, in fact, inoperative. I am aware now of a Hindoo father who is willing away all his property, because his son has become a convert. If this law had not been enacted, the chances are that he would have done nothing of the sort; so that, in fact, it is punishing the very person whom the law intended to protect. I have heard of two other young Hindoos in Calcutta, sons of one of the most affluent men in Calcutta, who were educated, I believe, at the Hindoo College; they are now said to be neither Hindoos nor Christians, and they are dissolute characters. Supposing their father was to die, by the Hindoo law they could not succeed to the ancestral property, either from having become apostates to their religion or from being highly immoral characters. They would have nothing to do but to declare themselves Christians, get baptized, and become immediately entitled to that ancestral property.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next.
Two o'clock.

Die Martis, 2° Augusti 1853.

LORDS PRESENT:

The LORD PRESIDENT.	Lord WHARNCLIFFE.
Earl of ALBEMARLE.	Lord STANLEY of Alderley.
Lord ELPHINSTONE.	Lord MONTEAGLE of Brandon.
Lord COLCHESTER.	

THE LORD PRESIDENT in the Chair.

Evidence on the Government of Indian Territories.

COLONEL DUNCAN SIMS is called in, and examined as follows:

Colonel D. Sims.

2d August 1853.

8724. Lord *Elphinstone.*] WILL you state to the Committee what appointment you held in the Engineer Department of Madras?

I went to India in 1810; in 1819 I was appointed Civil Engineer of one of the three divisions of Public Works into which the Madras Presidency was then divided. In 1825, I was advanced by Sir Thomas Munro to the head of the Public Works Department as Inspector-general of Civil Estimates, and continued so till 1834, when I was forced by ill-health to visit England. I returned to India in 1838, and was appointed a Stipendiary Member of the Military Board, and an *ex officio* Member of the Board of Public Works. In those two situations I had the direction of all Public Works in the Madras Presidency till 1845, when I again returned to England.

8725. You were an *ex officio* Member of the Board of Works?

Yes.

8726. That is in the Revenue Department?

It is. I was, during the last three years, Chief Engineer, a Member of the Military Board, and *ex officio* Member of the Board of Works in the Revenue Department.

8727. The Board of Works is combined at Madras with the Board of Revenue, and is totally distinct from the Military Department?

It is.

8728. What was the description of works superintended by the Department of Public Works?

The Department of Public Works comprises all the works of irrigation; viz., the tanks or reservoirs, the watercourses and wells and anicuts, all of which are used for the purposes of irrigation; and also the civil and judicial buildings, and the roads. The fortifications and military buildings are under the Military Department.

8729. The tanks are of immense importance in the Madras Presidency, are they not?

They are. I may mention that a tank is not, as might be supposed from its name, an excavation; but an embankment carried across a stream or valley for the purpose of intercepting and retaining the drainage of the country, for the purpose of irrigation during the dry months. In some cases they are of great extent, some of them being nine miles in length, and their banks from 15 to 45 feet in height, and irrigating land of the annual value of from 1,000 *l.* to 10,000 *l.* a year. Some of the watercourses again are as long as 30 and 35 miles, and some of them also irrigate lands, yielding a revenue to the Government to the extent of 10,000 *l.* a year.

Colonel D. Sims.

2d August 1853.

8730. Do you know anything respecting the former condition of those works in the Madras Presidency?

When the country first came into the possession of the English, the works of irrigation generally were in a very bad condition, and many of them in a state of ruin. India had been distracted by constant wars, and the Madras Presidency particularly had been the scene of a long-protracted struggle between the different claimants to the Nabobship of the Carnatic, the country had been laid waste, the tanks neglected and destroyed, and numbers of the people carried into captivity by Hyder Ali and Tippoo Saib, his son.

8731. Lord *Stanley* of Alderley.] Are any of those tanks of very ancient construction?

They are all of them very ancient; they were constructed by the Hindoo Governments.

8732. Is it known at what period they were constructed?

Some of them bear the names of the Kings by whom they were constructed, but the dates of their construction are remote, and not known with certainty.

8733. Were any of them constructed under the Mahomedan Government?

Some few of them may have been, but they were chiefly constructed by the Hindoo Governments.

8734. Lord *Elphinstone.*] Can you state what the annual revenue derived from the irrigated lands in the Madras Presidency is?

The annual return is valued at about 3,000,000 *l.* or 3,250,000 *l.*, of which, about 1,300,000 *l.*, or a million and a quarter, is the portion of the Government, the rest being the share of the cultivators.

8735. Can you state to the Committee what degree of attention has been of late years paid to those works of irrigation?

A very great degree of attention has been paid to them, especially since the time of Sir Thomas Munro. In his time attention first began to be paid to the works of irrigation, and it has gone on increasing ever since. Since Sir Thomas Munro's time, considerable sums have been expended annually, the works have been repaired and extended, and many new ones constructed, with wonderful beneficial results.

8736. What is the present annual expenditure upon works of irrigation?

For the last 15 or 20 years the average expenditure has been 70,000 *l.*; but the average expenditure during the last five years has been 100,000 *l.*, including the large works on the Godavery.

8737. Do you consider that that is a sufficient expenditure?

I do not by any means.

8738. Can you inform the Committee what have been the results of this increased attention to works of irrigation?

I may particularly mention the district of Tanjore, where more attention has been paid to the works of irrigation than in any other part of the Madras Presidency. For the last 20 years, up to 1851, about 90,000 *l.* have been spent on works of irrigation; and comparing the annual collections during that period with the average revenue of the preceding ten years, there has been an increase in the collections of about 270,000 *l.*, being three times as much as the money laid out in the repair and improvement of the works of irrigation. But Tanjore is a favoured district. It is far better irrigated than any other, with a rich soil, and has had a succession of able Collectors and Engineers, and is much indebted to its present able and zealous engineer, Major Lawford, who has completed many fine works and bridges.

8739. One of the principal works was the upper anicut on the Coleroon?

Yes, it cost for its construction, and during the following 14 years, for keeping it in repair, and improving the works connected with it, about 22,000 *l.* The increase of revenue has been annually equal to the amount so spent.

8740. Lord *Colchester.*] Was that an entirely new work?

It was.

8741. Lord

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8741. Lord *Elphinstone*.] The Committee cannot judge of the extent of those works by the sum which they cost, can they?
No; labour in India is extremely cheap; I suppose not more than one-fifth of what it is England.

8742. Lord *Monteagle* of Brandon.] When you state that labour in India is much cheaper than it is in England, do you measure it by the money wages paid to the labourer, or by the respective cost of given works?
The quantity of labour actually performed.

8743. A given work per cubic yard may be performed cheaper in India than in England, in the proportion you have stated?
At about one-fifth of the expense, or certainly one-fourth.

8744. Lord *Stanley* of Alderley.] Should you say, generally, that the cost of constructing works in India is about one-fifth what they would cost in this country?
Yes.

8745. Would that include works of masonry as well as other works?
Yes; we pay for a good mason from 6 *d.* to 9 *d.* a day in the interior, and from 9 *d.* to 1 *s.* at the Presidency.

8746. Lord *Monteagle* of Brandon.] What paper have you in your hand?
A plan of the anicut I have been mentioning, with the bridge thrown over it.

8747. Lord *Stanley* of Alderley.] Will you have the goodness to state what is the nature and construction of the work, a plan of which you now produce to the Committee?
It is the weir or dam across the Coleroon River, called the Upper Coleroon Anicut; it is a dam built of masonry across the river, six feet in width, from four to seven feet in height, and 2,526 feet long; and with all the necessary works and channels connected with it, it cost 22,000 *l.*

8748. What is the object of the construction of that work?
For the purpose of turning the water of the Coleroon into the Cauvery, which waters the whole of Tanjore; it irrigates 600,000 acres, and yields a revenue of 40 lacs of rupees annually.

8749. Was the country entirely without artificial irrigation before?
No, it was irrigated in the same manner before. The Cauvery separates into two branches above Trichinopoly, termed the Coleroon and the Cauvery; temporary works had been previously erected across the Coleroon every year, for the purpose of turning a sufficient quantity of water into the Cauvery branch to be employed for irrigation in Tanjore; those works began at last to fail; the irrigation was decreasing; the cultivation, as a necessary consequence, was diminishing also, and the apprehension was excited that in a short time the people would be deprived entirely of the water requisite for irrigation; to prevent that calamity, a permanent work of masonry was commenced in 1836, by Captain, now Colonel, Cotton, and completed in 1850, by Major Lawford, most efficiently and economically.

8750. Was there much new land brought into cultivation in consequence of this improved irrigation?
The cultivated land has been increased from 540,000 acres to 670,000 acres.

8751. What increase of revenue has the Indian Government obtained in consequence of this increased cultivation?
I mentioned before that during the last 20 years there has been an increase of collections of 270,000 *l.*

8752. Lord *Monteagle* of Brandon.] What per-centage do you apprehend that would represent upon the outlay?
About 300 per cent., from which, however, is to be deducted the cost of superintendence. A statement was prepared by the Board of Revenue three years ago, giving the amount of money spent in new works during 13 years; the amount was 54,000 *l.*; the increased revenue derived from that expenditure was 37,000 *l.*, amounting to 70 per cent.; and if from that the expense of superintendence be deducted, it may be reckoned at from 40 to 50 per cent.

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8753. If the Government of India were to borrow money at 4½ or 5 per cent. those public works would repay the advance in the course of a very short period indeed?

Undoubtedly; but it is right to mention that the examples I have given are favourable ones.

8754. From your knowledge of the country, do you consider that although those are favourable examples, yet there exist within the districts in which you have been employed, and to which your attention has been directed, other opportunities of carrying out great public works from which a good return would be certain?

Most certainly, very extensive ones. With the permission of the Committee I will give one or two other examples. In the district of Tinnevelly, there has been for the last seven or eight years a very zealous and excellent engineer. The average expenditure on works of irrigation formerly was 2,600 *l.*; latterly it has amounted to 6,400 *l.*; and the revenue has been increased from 110,000 *l.* to 129,000 *l.*

8755. Who is the engineer there?

Captain Horsley. The Godavery Anicut, a large work which has lately been begun, cost, from 1847 to 1851, 126,000 *l.*; the collections during the period above the average of the preceding years, amounted to 195,000 *l.*, showing a clear gain to the Government of 70,000*l.*; in 1850-51, the collections were 50,000 *l.* above the average collections of the 11 years previous to the commencement of the construction of the anicut.

8756. Lord *Stanley* of Alderley.] Are the whole of the profits from those works derived from the increased land collections, or are there also payments made by the cultivators for the use of the water?

Entirely from the land collections; there is no payment in Madras for the use of the water; the Government supply the water; formerly there was a tax upon irrigated lands, which formed a fund for the purpose of keeping the works of irrigation in repair; that, however, has been resumed by the Government, and the Government take upon itself the expense of keeping the works in repair: I ought to mention that, in the district of Rajahmundry to which I have alluded, there has been a large sugar manufactory established, in consequence of the facilities of cultivating the sugar-cane from the increased irrigation; large sums have been spent by the proprietors of that manufactory, and large sums are spent annually in the purchase of jaghery or coarse sugar, and no doubt that has contributed as well as the irrigation towards the improvement of the revenue.

8757. Lord *Monteagle* of Brandon.] The cultivation of the sugar-cane is infinitely preferable to the production of sugar from the date, is it not?

The sugar is much finer.

8758. Was that sugar cultivation for the most part newly introduced, or was there a previously existing cultivation which was extended and improved?

It existed formerly among the Natives, but there was no European manufactory.

8759. Have the proprietors of those European manufactories introduced improved machinery, and are they on a very considerable scale?

They are on a very large scale, with all the improved machinery of the West India manufactories.

8760. You are familiar, probably, with the observations made by Lord William Bentinck, to the effect that the introduction of European establishments and machinery formed in itself a training of the most valuable kind for the Natives, as well as occasioned an increased demand for labour?

Certainly, the observation is most just.

8761. In this instance, you consider those collateral and consequential results of public works to have been developed?

Yes, very greatly.

8762. Lord *Elphinstone.*] Have you any other examples to give the Committee of the advantages derived from works of irrigation?

There are many others, but they do not occur to me just now.

8763. What

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8763. What were the principal difficulties which had to be contended with in making those improvements?

One of the greatest difficulties, I may, indeed, say the greatest of all, is the want of a sufficient superintending and directing establishment; the want of engineers has been very severely felt, and been productive of much injury and delay, and also the want of subordinate agents, such as overseers and inspectors.

8764. Does that remark apply to the Board of Works, or to the superintending engineers in the provinces?

It applies to both, in fact, but chiefly to the civil engineers in the provinces and to the public works.

8765. What is the usual mode of obtaining the requisite sanction for works of irrigation?

The Madras Presidency in the Public Works Department is divided into eight divisions, to each of which there belongs a Civil Engineer with two assistants, though from the want of engineers, that establishment is never completed. The works of irrigation are immediately under the Collectors. The Civil Engineer assists the Collector's establishment in preparing the estimates; and prepares, himself, all the estimates for new works, which estimates are submitted to the Board of Public Works; they are submitted by the Board of Public Works to the Government for sanction, and are returned, when sanctioned, to the Civil Engineer, who again delivers them to the Collector, and by the Collector's establishment, aided by the Civil Engineer, the works are carried into effect.

8766. Has the Madras Government the power of sanctioning those estimates?

Not in the case of new works; they must go to the Supreme Government for its sanction.

8767. Does not the necessity for all those various references occasion great delay?

The reference to the Supreme Government is attended with a great deal of delay, and a great deal of inconvenience, and it often results, that works of the greatest importance and value are not sanctioned, in consequence of the authorities in Bengal not being acquainted with the local causes and reasons for those works; I think that control has operated most unfavourably, and is not necessary.

8768. Earl of *Albemarle.*] Can you give the Committee an example of that inconvenience?

I can mention the case of the Great Western Road, which was commenced in 1838, during the Government of Lord Elphinstone; it was undertaken and carried on with the assistance of convicts; the work went on most successfully; the health of the convicts was perfectly satisfactory, and the work was well and most cheaply done; but because a similar experiment had failed in Bengal, it was ordered to be discontinued.

8769. Lord *Monteagle* of Brandon.] Was the discipline of the convicts maintained during the progress of the work?

It was perfectly so; no injury was experienced by them; they did not suffer in health: they were employed, I think, from 1838 to 1844, and the value of the work obtained from them was computed, after paying all their expenses, at about 28,000 *l.*, when they were ordered back to their gaols.

8770. *Chairman.*] Have you prepared any statement showing the results of the convict labour on that occasion?

I have a Report from the Board of Public Works which gives the result of this experiment of employing convict labour in the construction of public roads.—[*The same is delivered in.—Vide* Appendix B.] Appendix B.

8771. Lord *Elphinstone.*] Upon the whole the result was very favourable?

It was extremely satisfactory, and would have proved more so as experience was gained in the management of the convicts; but up to the time when it was discontinued, the experiment was perfectly satisfactory, and most favourable in all respects.

8772. Lord *Monteagle* of Brandon.] Was the giving up of that work productive of any local inconvenience from the discontinuance of the employment of the convicts

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victs as well as from the discontinuance of a work which, in itself, was likely to be useful?

It produced both of those effects.

8773. Lord *Elphinstone.*] The gaols were more crowded, and the works were stopped?

Yes; the gaols being more crowded, became less healthy.

8774. Lord *Monteagle* of Brandon.] If the convicts were transferred to a prison where they had no labour to perform, the beneficial result of employing them in useful works as compared with the expense of maintaining them without any labour was lost, and in that way a further disadvantage was caused to the Presidency?

It was a further loss to the Presidency and to the Government. I may mention another case in the southern talooks of South Arcot, which had been very much benefited by the construction of the lower Coleroon Anicut; an estimate was sent up and submitted to the Government for the construction of a road, which was considered necessary for completing the communication with the sea-port town of Porto Novo; it amounted to only 2,800 *l.*, and the work was considered extremely necessary: it was strongly recommended by the Madras Government, but was refused by the Supreme Government. Many other instances might be given, but probably those will suffice.

8775. Lord *Colchester.*] Did you always find the Madras Government ready to carry out works of improvement as far as their means enabled them to do so?

As far as their means and authority went, they were always very willing and anxious to carry them out; and I do not remember any case of a well-digested project not meeting with attention, though the power often lacked to sanction it.

8776. Lord *Elphinstone.*] In Sir Thomas Munro's time, was any difficulty of this kind experienced?

Sir Thomas Munro had great influence; his character stood very high for experience and judgment as a public servant; and what he recommended was always, or at least generally, approved. He attached great importance to works of irrigation, and was the first person who drew up a set of rules, prescribing the manner of carrying them on, when he was Collector of Bellary.

8777. Can you state to the Committee what was the effect of Sir Thomas Munro's annual tours for the purpose of visiting different districts in the Presidency of Madras?

Sir Thomas Munro usually made a visit every year for the purpose of ascertaining the state of the country, the state of the people, the equity of the assessment, and the condition of the public works: he had thereby the means of communicating personally with the officers in charge of those works, and the advice and assistance which they received from him upon those occasions proved most beneficial and encouraging.

8778. Latterly those tours have been discontinued by order of the Court of Directors, have they not?

They were disapproved of by the Court of Directors, it was understood, and have been discontinued in a great measure, which, I think, is much to be regretted.

8779. Can you give the Committee any idea of the effect of these and other improvements upon the price of provisions and upon the condition of the inhabitants of Madras?

Experience has shown that in proportion as the public works and roads have been improved, the circumstances of the people and the public revenue have also improved; cultivation has been extended, manufactures have increased, and the price of food has been cheapened. I may instance Tanjore especially, where the value of land has been raised, cultivation greatly extended, and the condition of the people ameliorated materially.

8780. You think the breadth of country under cultivation has increased?

In the districts where the improvements have taken place, such as Tanjore, Tinnevelly, Rajahmundry and Salem, the quantity has increased very considerably. In other districts, where less attention has been paid to works of irrigation, I am afraid it has diminished rather than increased.

8781. Do

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8781. Do you think it has increased in a greater ratio than the increase of the population?

Yes, rather greater, I should think. Tanjore produces twice as much grain as it requires for the support of its inhabitants.

8782. Have any of those improvements, do you think, prevented the recurrence of the famines which used periodically to lay waste the country?

There has been no famine since 1832, and consequently their influence in that respect has not been put to the trial; but undoubtedly they will have a powerful effect in mitigating the severity of famines. The last severe famine was in 1832; there was in that year a general failure of the north-east monsoon, which was felt most severely in Guntoor and Masulipatam, but chiefly in Guntoor. Upon that occasion it was calculated that about 200,000, out of a population of 550,000, died from starvation, or from the fever which followed the famine.

8783. Lord *Colchester*.] Does the failure of the monsoon produce a failure of rain?

Yes. By the failure of the monsoon, I meant a failure of the usual rains. It is expected, and no doubt will be realized, that the Godavery and the Kistna Anicuts, which are in the immediate vicinity of Guntoor, will have a very beneficial effect, if not in preventing entirely, at all events in mitigating very considerably the miseries consequent upon such visitations, and which have twice during the last 60 years nearly depopulated that part of India.

8784. Lord *Elphinstone*.] It is of very great importance to have works in the neighbourhood of the place where the drought is felt; the grain grown in Tanjore, for example, owing to the want of communications, is hardly within reach of those Provinces?

It is obtained with very great difficulty, and at greatly increased expense, and after much delay, and in insufficient quantity.

8785. You spoke of the Western Road; can you state to the Committee what the condition of the roads was when you first went out to India?

When I first went to India, in 1810, there were literally no made roads, in the English sense of the term, in the Madras Presidency. It was not the practice of the Native Governments to construct roads; there were no roads, but beaten tracks from town to town, indicated occasionally by fine avenues of trees; there were no made roads, and not a bridge in the interior of the Presidency, with the exception of one or two across the Cauvery, built by the sovereigns of that country.

8786. There has been a great improvement in that respect, has there not?

Since that period very extensive improvements have been made: between 300 and 400 miles of good roads have been made, a number of passes opened, and a great many bridges, some of which would do credit to any country, built. The first attempt to make a continuous good road was in the case of the Western Road, during Lord Elphinstone's Government; that has been completed to the extent of 120 miles from Madras; it has been bridged and metalled throughout, with the exception of the Pallaur; and the road repaired beyond that, as far as Bangalore. Another road has been completed from Bangalore to Mangalore, by the Mansurabad Ghaut. Three very fine ghauts, between the Mysore country and the Western Coast, *viâ* the Mansurabad Ghaut, the Sumpajee Ghaut and the Perumbuddy Ghaut, have been opened.

8787. Are those all made passes?

They are all very excellent passes.

8788. When were they constructed?

The road by the Sumpajee Ghaut was commenced shortly after the Great Western Road, in 1839; the road, 70 miles in length, including a difficult ghaut, cost 400 *l.* a mile, and is an excellent and very cheap road, compared with the cost of roads in other countries, and in Ceylon.

8789. The country through which that road passes is very mountainous, is not it?

It is very difficult and mountainous; the road crosses the great range of mountains on the western coast of India.

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8790. By whom were those three passes made?

The Sumpajee Ghaut was made by Lieutenant Fast, who died two years afterwards, when superintending a similar work in the Coimbatore District; he was an officer of great skill and promise.

8791. Have those roads all been managed by the Department of Public Works?

Up to 1846, the roads were all conducted by the Department of Public Works; in 1846 an alteration was made in the management of the public roads; a Superintendent, with two assistants, was appointed, who communicated directly with the Government.

8792. Was greater efficiency obtained by that means?

No; the department was insufficient; a Superintendent and two assistants had the charge of about 1,400 miles of road; the department was quite insufficient for so extensive a line of road, and the expectations of the Government were not realised.

8793. Would not it be better to leave the roads under the superintendence of the Civil Engineers of the divisions through which they pass?

Certainly, it would.

8794. Under the general control of the Board of Works, with some controlling authority at the Presidency?

Yes, as was formerly the case, only increasing the strength of the establishments; a larger number of engineers is required, and a large increase to the establishments of overseers and superintendents.

8795. Is not that one of the great difficulties under which you labour?

It is: the greatest difficulty we have always experienced has been the want of a sufficient superintending and executive department; a great evil, which cannot be too soon remedied.

8796. *Chairman.*] Have you found the natives able to afford you assistance in that capacity?

Very much so; they only require to be educated and trained, and they will make the most useful and efficient servants as superintendents which can be obtained for India. They possess great advantages over Europeans in many respects: they speak the language of the workmen; they are accustomed to the habits of the people; they are not so expensive, and they do not suffer from the diseases of the country to the same extent that Europeans do.

8797. Lord *Elphinstone.*] I believe you are one of the Governors of the Madras High School?

Yes.

8798. I believe you prepared a set of rules for an engineer class?

I did; it was not carried out then; I understand that lately it has been resolved to add to the High School an engineering class, but I do not see that the means for conducting that class efficiently have yet been provided.

8799. It would require a professor?

It would require a professor expressly for the purpose, and teachers, and the means of communicating with the public working departments at the Presidency, in order that the pupils may obtain practical training and information, as well as theoretical knowledge.

8800. All those requirements were provided for in your plan?

They were all provided for at that time.

8801. Do you remember why that plan was not carried out at the time?

There was a difference of opinion between the Government and the Governors of the University respecting the system of education; it did not receive, in consequence, the support and encouragement which was requisite for its efficiency, and little was done comparatively while I was at Madras; still some excellent scholars were educated there. With respect to the engineering class, nothing was done. I consider an engineering class to be indispensably necessary for the efficient management of the Public Works Department.

8802. There

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8802. There was a small establishment of youths who were brought up in the Survey Department?
Yes.

8803. Are you perfectly satisfied with their proficiency?
I had charge of that establishment for many years; the surveyors turned out most efficient and useful surveyors.

8804. Do you happen to know anything of a school which bears some analogy to the Survey and Engineering Department which is attached to the gun carriage manufactory under Captain Maitland?
I do.

8805. Have not the boys who are trained in that school shown great aptitude in their mathematical and mechanical pursuits?
Captain Maitland's school has always appeared to me to be, in its way, one of the most useful educational establishments which exist in Madras. The pupils are instructed in the elementary parts of mathematics, and at the same time are taught to be good mechanics, expert smiths, carpenters, wheelwrights, &c.; so that both the theoretical and the practical parts of their trades are combined, and a number of most useful and excellent men have been turned out, and chiefly at the cost of the zealous Superintendent.

8806. Most of those boys are East Indians, are they not?
Almost all of them are East Indians, with a few Europeans.

8807. Do you expect that the engineering class which you proposed to form in the High School would have been chiefly attended by the same class of youths?
By all classes; by Hindoos as well as by Indu-Britons. I think, upon the whole, the native pupils would turn out the most useful, from their being constitutionally better adapted to the climate than Indu-Britons.

8808. What has been the effect of the making of roads upon the people of the country generally?
It has had the effect of cheapening carriage very much, and thereby facilitating the transport of the manufactures and produce of the country to the sea-port towns. The carriage of goods on the Great Western Road is about half what it formerly was. In Salem, where great attention was paid to the roads, and where the natives submitted voluntarily to a light tax upon their carts, for the purpose of keeping the roads in repair, carriage hire has fallen from 14 annas to 8 annas for every 10 miles, and the load has been increased from 300 lbs. or 400 lbs. to 900 lbs., and the number of carts has been doubled in the district.

8809. I suppose, previously, the carriage was principally on the backs of bullocks?
When I went to India, it was entirely so; all the cotton from the ceded districts was brought down on bullocks, and grain was carried on bullocks.

8810. Do you think that India can ever become an exporting country of cotton, while the cotton has to be brought on the backs of bullocks to the coast?
It is one of the greatest drawbacks; the expense is very considerable; but more than that, the delay and injury which the cotton sustains during the transit are very great.

8811. Do you think that by common roads you can ever so reduce the cost of transit as to bring down the cotton to the coast at such a price that it can be exported with profit?
In many parts, I think so; in Tinnevelly, for example, and Coimbatore. The transport of cotton by common roads, where the distance is considerable, would always, however, add to its cost, and thereby prove an obstacle to its becoming a profitable export. Railways, it is to be hoped, will effect the desired object, both by bringing it down in a better state rapidly, and also at a much cheaper rate.

8812. Do you think that it would be practicable to make canals from any of the great cotton fields to the places of exportation?
Not into the interior of the country, I think; along the coast, canals may be usefully constructed.

8813. Do you think that the navigation of the rivers Godavery and Kistna,

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the Godavery in particular, can be so far improved as to make them great channels of communication with the coast?

I am not sufficiently acquainted with the state of the Godavery to be able to answer that question satisfactorily; but I think there are sufficient grounds for having it surveyed and examined; it is very possible that it may be made a very cheap and useful outlet for the cotton which is grown in the Berar Valley, and in the Nagpore and Hyderabad countries; but the river is little known.

8814. Did not Colonel Cotton go up the Godavery two or three years ago, as far as Bezoarah?

He went up a short distance only. The river is so far navigable at some periods of the year, that quantities of timber have been brought down; but it flows through an exceedingly unhealthy country: very little is known of the state of the river. There are probably serious obstructions from rocks in many parts of its course.

8815. Have you heard of any plan, on the part of Colonel Cotton, for making extensive canal communication between the northern districts and Madras?

He proposed a canal running along the coast from Ganjam to Madras, and from Madras to Porto Novo.

8816. Do you conceive that there would be any great advantage in forming that communication?

It would prove useful; but its usefulness would be considerably affected by its running along the coast, and thus having to compete with the sea-coasting vessels.

8817. Lord *Colchester.*] Was that plan looked upon favourably by the Government of Madras?

It has never, I believe, come officially before the Government in such a matured form as to call for serious consideration, or a decided opinion. It has been rather a suggestion than a well-digested plan hitherto, I think.

8818. Lord *Elphinstone.*] Formerly, in some districts, there was a large surplus from the funds belonging to the pagodas, which were then administered by British officers; that surplus was generally expended upon roads and bridges, was not it?

In several of the districts, especially in Tanjore, there are some celebrated pagodas which were richly endowed by Native Princes. The endowments were administered by the collectors of the districts; the collectors had charge of the pagodas, kept them in repair, paid the priests, &c.; and from the funds being managed economically, a considerable surplus often remained, which was usually appropriated to the repair and improvement of the roads and other communications of the country. In Tanjore, which has now very good roads in all directions, the roads were chiefly formed and kept in repair by the surplus of the pagoda fund.

8819. Has any portion of that fund been reserved for those purposes, or was the whole of it made over to the priests?

A few years ago, the connexion between the servants of the Government and the pagodas was entirely discontinued. There was then a considerable surplus remaining, I think about 120,000 *l.*; of that I understand 80,000 *l.* was reserved for the purposes of education, and the remainder was distributed among the districts for the improvement of the roads.

8820. Have those sums been expended?

There has been very little money spent on education. The money for the roads has, I believe, been spent.

8821. Has any part of that 80,000 *l.* been spent?

None that I know of, or that I ever heard of.

8822. The whole fund was given up, was not it?

The management of the endowments was entirely given up.

8823. And no portion of the annual income reserved for roads and bridges?

No; the funds are now administered by native trustees.

8824. Do

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8824. Do those native trustees appropriate any portion of that fund to the maintenance of the roads which have been created out of it?

None whatever, I believe.

8825. Then those roads are probably falling into disrepair?

They are kept up by other means, that is, the cost of maintaining them falls on the Government.

8826. I believe you are the chairman of the Madras railroad?

I am.

8827. Has a beginning been made of that undertaking?

It was commenced on the 9th of June. The first sod was turned on that day by the Governor of Madras. Part of it has been marked out, and a commencement has been made before this time.

8828. I believe it is intended to carry that railroad from Madras to the western coast?

It is intended to carry it by Vellore, through the Salem district, and Coimbatore, to the western coast, near Ponany.

8829. What is the length of that line of railway?

About 380 miles, I think.

8830. The effect of making that railway will be to diminish the expense of maintaining the Great Western Road?

The Great Western Road then will not be so much used, and will not be so much valued as it is now. By connecting the two coasts by means of a railway, there will always be a fine-weather coast, accessible for vessels at all seasons of the year. During the north-east monsoon, the eastern coast is approached with danger and difficulty: it is then fine weather upon the Malabar coast, and conversely during the south-west monsoon it is fine weather on the eastern coast. The railway will, therefore, be of great value for commercial purposes. It is also intended to have one or more regiments of Europeans located upon the Neilgherry Hills, and possibly the regiments of Trichinopoly and Bangalore and Cannanore may ultimately be stationed on the hills; and if so, they may be transported at any time, if required, either to the west coast or to the east coast, according as necessity may arise, rapidly and without any difficulty. It will thus be very useful also in a political point of view.

8831. How near would that railway pass to the base of the Neilgherry Hills?

There is a branch to lead up to the fort of the hills from Coimbatore; the main line will pass within 15 or 20 miles of the hills, and there will be a branch up to the hills; the precise direction of the line is not yet determined. In a political point of view it will be of great importance; a great saving of life and of health will result from keeping the European regiments in a healthy climate, and they may be transported to any part of the coast rapidly, and without difficulty.

8832. What do you estimate will be the cost per mile of that railway?

We estimate that it will be about 6,000 *l.* per mile; but our data are not sufficient to speak very positively yet.

8833. It is to be a single line, is it not?

Yes; the estimate of the Bombay line is 10,000 *l.* a mile, I believe; we have an easier and cheaper country.

8834. *Chairman.*] You take land enough to enable you to double the line if required?

Yes; and the bridges will all be made sufficiently wide for a double line, if hereafter required.

8835. Lord *Elphinstone.*] Is there a uniform gauge for all railways in India?

Yes, a uniform gauge of five feet six; it is intermediate between the broad gauge and the narrow gauge in England.

8836. Can you give the Committee any information upon the works at the Pambon Passage?

The Pamben Passage is the passage between Ceylon and the main land. When it was examined in 1829, it was a narrow, tortuous, passage, with not more than five feet of water at high tide: except in very fine weather, vessels drawing more than 4½ feet, could not pass through it, and even such vessels were detained fre-

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quently for two or three days before they were able to pass through; it has now been deepened to 10 feet at low water, with the exception of a few parts, which are 8½ feet. The tonnage has increased from 30,000 tons, which was the amount in 1829, to 160,000 tons at the present time: vessels of a superior description now use it, and it has proved of the greatest possible benefit to the coasting trade of India.

8837. What is the saving of time in the voyage of a vessel going from Negapatam to Titucurin?

Frequently coasting vessels would not be able to go round Ceylon, in consequence of the winds; even in favourable circumstances the saving in time would not be less than five or six days.

8838. War-steamers can pass, cannot they?

Yes; the "Nemesis" and the "Phlegethon" passed through it without any difficulty before it was increased to its present depth: it will now admit steamers drawing eight or nine feet of water passing through without any difficulty.

8839. The saving in the consumption of coal, without taking into account the saving in time, must be very considerable?

It is calculated that the saving to the coasting trade alone amounts to 50,000 *l.* or 60,000 *l.* a year.

8840. Have you any means of showing the expense incurred in making that passage?

Its cost altogether amounts to 15,000 *l.*, and about 2,000 *l.* more are required to complete the work.

8841. Was there a steam-dredge used for clearing the channel?

There was, but it was not very successful; it got out of order.

8842. Is the cost of that dredge included in the 15,000 *l.*?

It is; all expenses are included.

8843. Do you think that the natives of the south of India will travel by the railway?

Yes; if they are carried sufficiently cheaply there will be no doubt of their making use of it; they are quite alive to their own interests and convenience.

8844. Do you apprehend any difficulty from the difference of caste?

No. There will be carriages for different castes, as here for different classes; and, moreover, the strictness of caste is diminishing. In the schools in Madras now we find the Hindoo, the Mahomedan, the Pariah, and all castes studying in the same class, and sitting side by side; probably education, among its other blessings, will have an exceedingly beneficial influence in relaxing the influence to caste, and railways may operate silently the same way.

8845. Have you made any calculation as to the probable fare that will be charged?

The expense of carriage at present is supposed to be 2½ *d.* a mile per ton by carts: we hope that we shall be able to reduce it to about half that sum, or to 1¼ *d.* a mile: we have made no calculation at present with respect to passengers.

8846. I suppose the rate at which you will be able to carry passengers will depend very much upon the cost at which you can construct the railway?

It will be our object, of course, and for the benefit of the railway, to make the fares sufficiently low to induce the natives to make use of it; we are in hopes of being able to do that, and profitably.

8847. Do you reckon chiefly upon goods traffic or passenger traffic?

The calculations are made chiefly on goods traffic.

8848. You must have had many opportunities, in the various employments in which you have been engaged, of becoming acquainted with the character of the people; what is your opinion of them?

I entertain a very favourable opinion of the natives of India, both of their intellectual and moral qualities; I have seen boys in the High School, who entered it without knowing the English alphabet, in three or four years studying the higher branches of mathematics, and passing an examination which the English chaplains, who attended, observed would have done credit to the Universities of Oxford

Oxford and Cambridge; and in point of honesty, and even veracity, I think they are not inferior to the people of other countries; I speak of the people in the interior of the country, the agricultural classes chiefly, with whom I had much intercourse.

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8849. There is a great difference between the ryots and the people living at the Presidency towns and at the European stations, is not there?

Yes. Persons are apt to judge too frequently of the natives of India by those whom they find about the precincts of the different courts of justice; there are many temptations there to mendacity, and the atmosphere is unfavourable to truthfulness; but probably the same thing will be found in other countries under the same circumstances. In all the situations in which the natives have hitherto been employed, they have proved very efficient and valuable servants, and as education advances, and they become more enlightened, and freed from the prejudices and customs of the country, and improved by the example of their European rulers, I believe they will qualify themselves gradually for higher employment and offices than they have yet filled.

8850. Lord *Wharncliffe.*] Did you leave India after the works on the Kistna and the Godavery were commenced?

I left before that; but I have been in constant communication with the officers engaged on those works, and with Colonel Cotton, who designed them.

8851. They have been obliged to enlarge the original estimates, have not they?

Considerably.

8852. Lord *Elphinstone.*] Was not there difficulty experienced in carrying on two such expensive works as the anicuts across the Godavery and the Kistna simultaneously?

They were not begun simultaneously; there would have been a difficulty in obtaining sufficient workmen.

8853. The population is hardly sufficient to supply such a great demand for labour as the execution of one of those great works occasions is it?

It is not; in that part of the country, that is in the Northern Circars, very few works of any magnitude had been previously undertaken; in the southern part of India, in Tanjore, for example, the same difficulty would not have been experienced; there they have been in the habit of carrying on very extensive works for many years; but the supply of labour, as well as of money, in India is limited.

8854. Lord *Wharncliffe.*] Have you turned your attention much to the state of the Native tanks throughout the Presidency of Madras?

I was employed on them for 20 years, and had immediate charge of them for 14 years.

8855. Should you say, from your knowledge of their present condition, that there is any large number of them which are capable of effectual repair?

A number of them are in tolerably good order at present; a large number of them are capable of being very much improved, and the cultivation increased thereby.

8856. I suppose there is a great number of them which have been so much neglected as to be no longer worth repairing?

Not a very great number, I should say; there are some which have been long neglected, and are in complete ruins; some of these might be restored. There are again others which were badly chosen in the first instance, and some have, in the course of time, been filled up with accumulations and deposits of soil brought down by the rains, and are no longer worth repair.

8857. Are they generally formed upon streams?

They are generally formed across valleys, but sometimes across streams also; the usual way is to construct an embankment across a valley to intercept the drainage of the country; some of them, as I have mentioned already, are nine miles in length, and from 15 to 45 feet in height; there are not many of them, however, which are of that size.

8858. What should you say would be about the average size of the tanks?

They are of all sizes, from 20 yards to 9 miles in length; every village in South India has its tank; some of them have two or three tanks.

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8859. Are there any local funds available for the repairing of those tanks?

Under the Hindoo Governments there was a tax upon all irrigated land, for the purpose of keeping the tanks in repair; that has been assumed by the Government, and the Government keep the tanks in repair now.

8860. Lord *Elphinstone.*] Was that assumed by the British Government or by the Mahomedan Government?

I believe it was collected irregularly, and was not always applied to its legitimate use.

8861. Lord *Wharncliffe.*] But it has been re-imposed by the British Government, has not it?

No, not in the Madras Presidency; the Government there keep the tanks in repair. The land is considered as belonging to the Government, and every person occupying that land pays a certain rent, which varies in different districts, but is usually supposed to amount to about two-fifths of the gross produce of the land, and in return maintains the irrigation.

8862. Are they generally built with masonry?

They are all of earthwork, faced very often with large loose stones, for the purpose of protecting them from injury from the waves in the tank in high winds.

8863. They are not faced outside at all?

Not at all.

8864. In most of those cases in which the tanks have been neglected the cultivation has suffered very severely from the condition of the tanks, has not it?

The cultivation has ceased altogether in the case of those tanks which have fallen into ruins; but that was anterior to the country coming into the British possession. There was a long series of wars carried on by the claimants for the Nabobship of the Carnatic, during which the country was laid waste, and the tanks neglected, and very often destroyed; and when the country came into the possession of the British, the tanks, generally speaking, were in a very neglected state, and many of them nearly useless.

8865. I suppose there is no part of the Madras Presidency where such works are not to be found?

In no part, with the exception of the western coast.

8866. Lord *Elphinstone.*] Have the zemindars taken good care of their tanks?

In some few cases very good care; but, generally speaking, they have neglected them very much.

8867. Generally speaking, the tanks are not in as good condition under zemindary management as under ryotwar management?

No; the zemindars being deprived of those objects of ambition and employment, which people in their rank of life find open to them in other countries, generally sink into a state of indolence, extravagance and self-indulgence, and too often neglect their estates and true interests.

8868. Are there any further observations which you wish to offer to the Committee?

There is one observation I would beg permission to make, which is the great importance, and indeed absolute necessity, of reorganizing the superintending and executive department of public works, and largely augmenting its strength: till that is done, it is quite hopeless to expect any large and comprehensive system of improvements to be carried out, or that the views of an enlightened and liberal Government can be fulfilled: that has been the great difficulty all along, and till it is removed the most skilfully designed improvements will be marred in their execution, as has sometimes already happened, and the public funds granted, be spent unprofitably in many cases.

8869. And an insufficient supply of engineer officers?

Yes; in the first place, a very insufficient supply of engineer officers, and also of overseers and assistants under them, without whom the officers cannot work.

8870. Lord *Wharncliffe.*] Have you seen the Report of the Commission of Madras upon the Department of Public Works?

Yes; a few of the details I have given are from that Report.

8871. Do-

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8871. Do you concur generally in the views they have taken?
I do, generally, but think them occasionally rather sanguine.

8872. Do you concur with them respecting the continuance of a Board?
Probably it is the best system for the Madras Presidency. I think there are great advantages from individual agency; the responsibility is greater; there is more expedition; there is more activity and energy, but there is the risk occasionally of the single individual not being so efficient and so well informed in all branches of the duties as could be wished; and perhaps in so large a department as that of Public Works, a Board properly constituted, and consisting of two or three officers, is preferable.

8873. Lord *Elphinstone.*] Do not you think there is advantage in combining a revenue officer with an engineer officer?
That is one of the great advantages of a Board at Madras. The works of irrigation are so intimately connected with the revenue of the country, that the opinion of an experienced revenue officer is often of the utmost value in deciding upon the value and expediency of proposed improvements.

8874. At present the engineer officer who is attached to the Board of Revenue in the Department of Public Works, has generally some other office, has he not?
He has; he is generally the Chief Engineer.

8875. If the engineer officers were attached entirely to the Revenue Board, and made members of the Board of Revenue, would not that be the preferable plan?
I am not sure but that would answer in practice as well, as the new Board proposed by the Madras Commissioners; it would be the most economical, in the first place, and the engineer officer would have the benefit of the collective wisdom and experience of the members in all questions touching the revenue, and productive capabilities of the country.

8876. Lord *Wharncliffe.*] Do you concur with the Commissioners, who are the authors of the report I allude to, that much more might have been done within the Madras Presidency if the Government of the Presidency had applied itself properly to the work?
The Government have been very much restricted by the want of means. The Indian Government has been engaged in very expensive wars; there was a want of money very frequently; at the same time I think more might, perhaps, have been done than has been done; but a great deal has been done, much more than is generally supposed, and frequently there were not officers for the superintendence.

8877. Lord *Elphinstone.*] You said before that public works were a good deal delayed by the reference to the Supreme Government?
Yes; that has interfered very much with the intentions of the Government; it has deadened the zeal of the subordinate officers also; frequently plans which they had taken a great deal of trouble to prepare and mature were, on being submitted to the Supreme Government, disapproved of by parties who were unacquainted with the local circumstances; that has had a discouraging effect, and prevented them from carrying on their observations.

8878. Lord *Wharncliffe.*] Should you say that there were many works in the Madras Presidency which would justify the Government in raising money for the purpose of executing them?
Certainly.

8879. Where it can be shown that the returns would be very large, would not it be desirable for the Government to provide the necessary sums, by raising money for the purpose?
Yes; and, generally speaking, the Madras Government has shown great anxiety to carry out such plans.

8880. Has money ever been raised for such purposes in India?
Not specially; but portions of loans raised for general purposes have, no doubt, been so applied, when the money could be spared from more pressing exigencies.

8881. Lord

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8881. Lord *Elphinstone*.] Is it your opinion that railways could be more economically constructed by the Government than by a private company?

Yes, I think more economically.

8882. *Chairman*.] What are your reasons for that opinion?

My chief objection to the Indian companies is the guaranteed interest; a company, having a certain rate of interest guaranteed to it, whether the undertaking proves remunerative or not, finds its most powerful incentive to economical management thereby in some degree weakened. The great superiority which private companies have over Governments, consists in its being their self-interest to carry on their undertakings in the cheapest and most economical way, in order to make them remunerative as soon and as largely as possible. When a rate of interest is guaranteed by the Government, there is a risk of the company being satisfied with that rate of interest, without looking so keenly as it ought to greater advantages.

8883. Would not that depend very much upon the rate of interest which was so guaranteed?

Undoubtedly; but the rate of interest must be necessarily rather higher than the ordinary rate of interest at the time to induce people to embark their money in distant undertakings like those of India; the rate of interest is 4½ per cent., which is higher than the public funds give, and money for distant undertakings cannot, I believe, be obtained on lower terms.

8884. Lord *Elphinstone*.] Do not you think that the Government would have peculiar facilities for constructing railways in India, which companies probably cannot possess in the same degree?

They would have the advantage of employing partly their own engineers, in the first place; they would have the advantage of the services of the Collectors and Magistrates in the districts through which the lines pass, in affording facilities and furnishing workmen and materials. These facilities, however, the Government will still give, I am persuaded, as far as it consistently can do so without injury to the people, and it is its interest to do so; but I think the facilities would, perhaps, be somewhat more easily obtained if the works were undertaken by the Government.

8885. Lord *Wharncliffe*.] You spoke of the little inducement which would be felt by private companies to observe economy, in consequence of their having guarantees; did you say that having reference to the circumstance that the guarantee on the part of the Government will involve the Government having an effective voice in the undertaking?

I am aware that the Government, having the responsibility, very wisely retains the control and superintendence entirely in its own hands; having done so, I think it might with advantage have taken the execution of the works also, with the chance of the profits.

8886. Should you say that, generally speaking, Government works in India have been very cheaply executed?

In the Madras Presidency they have been executed very cheaply, as the plans of the bridges and anicuts exhibited to the Committee abundantly prove.

8887. Do you mean cheaply, not in reference to the cost of works in this country, but in reference to the general cost of works in India?

In both respects, decidedly.

8888. When you say that you think the Government ought to undertake the construction of railways in India, do you mean that they ought to send out a civil engineering staff from this country?

They would have had to send out a railway engineering staff from this country, just as the companies have done; they would have employed their own officers in the superintendence. There is now a consulting engineer in the case of each railway. The Government would have employed many of their own officers; but practical railway engineers must have been sent out from this country, at the commencement at least.

8889. One of the first necessities, on the part of the Government in India, in your

your opinion, is, that it should take means to increase the supply of engineering ability? *Colonel D. Sim.*

That is the first and greatest necessity at Madras. *2d August 1853.*

8890. Lord *Elphinstone.*] Do you think that there is any prospect of so many railways being constructed as to compete in any degree with each other?

Not so long as only one company is sanctioned in each Presidency; if two or more companies are sanctioned for the same Presidency, the rivalry which will ensue would lead to very injurious consequences.

8891. The supply of the subordinate staff is not sufficiently extensive, you think, to supply the demands of two railway companies bidding against each other?

Yes, that would be one; and then, competitions for materials and freight, another. It is difficult to obtain freight for supplies from this country. If there were two or more companies sending out articles at the same time to the same Presidency, there would be a competition between them, and that competition would prove hurtful in a great variety of ways.

8892. There would be a great competition for the services of the overseers employed there?

There would be; and it would be necessary to send out overseers from this country. In consequence of there being no civil engineers' college at Madras, we are obliged to instruct apprentices, and to train them for our purposes.

8893. You are, in fact, therefore, going to form a civil engineers' class, such as was proposed in the High School?

To a small extent only, in the expectation that a good civil engineers' college will be established by Government.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, Two o'clock.

Die Jovis, 4° *Augusti* 1853.

LORDS PRESENT:

The LORD PRESIDENT.	Lord WYNFORD.
Earl of ALBEMARLE.	Lord ASHBURTON.
Lord COLCHESTER.	Lord BROUGHTON.

THE LORD PRESIDENT in the Chair.

Evidence on the Government of Indian Territories.

MAJOR PATRICK THEODORE FRENCH is called in, and examined as follows:

Major P. T. French.

4th August 1853.

8894. Earl of *Albemarle.*] WHAT was your period of service in India?
Twenty-nine years.

8895. Will you state the nature of your services?
I went out to India in 1822, and came home in the end of 1851; for the first seven years I was engaged with my regiment, and then was put on the general staff of civil employment as Bheel agent in the Province of Candeish.

8896. ill you explain what is Bheel agent?
Agent for a class of men called Bheels in the Province of Candeish; I remained there four years; I was then transferred to Ahmednuggur as Bheel agent and commandant of a local corps; subsequently, in 1840, I was one of the assistants in the Scinde and Beloochistan agency; and on its abolition I was transferred to the agency in Rajpootana in Central India; there I remained two or three years in various employments, and was then transferred to the Province of Nemar, on the Nerbudda, under the Agra Government; I remained in that capacity for two and a half years, and became Private Secretary to the Governor of Bombay, Sir George Clerk. I was subsequently Town-major of Bombay, and Acting Resident at the Court of his Highness the Guicowar.

8897. Have you paid any attention to public works?
Yes, I have, from the period of my being Bheel agent in Candeish; although I was not a scientific officer, or in any way attached to the Department of Public Works, they have engaged my attention a good deal.

8898. Can you state what is the condition of the roads, bridges, tanks, canals and wells in the different provinces of Candeish, for instance?
I have brought a map of Candeish [*producing the same*]; it is one of those large lithograph maps that we have in India; in Candeish there are in fact very few roads; there is one road called the Bombay and Agra trunk road; but in reality there is no road beyond 12 miles from Dhoolia: in the printed Parliamentary paper I see it is put down as if made the whole way to Sindawa; but I have no reason to suppose that that is correct, and it is not bridged.

8899. *Chairman.*] Are you speaking from personal knowledge of the road?
Yes; I came down a portion of it not very long ago; two or three years ago; but I have made inquiries since that, and it is not very long since I saw in the papers a letter from an American gentleman who had gone down by that road to Agra, and described it exactly as I found it there three or four years back.

8900. Then your information, except with regard to four years ago, is derived from what you saw in the public papers?

Yes,

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Yes, and from inquiries I have made from people who have been there since then.

8901. From gentlemen that you have seen in this country?
Yes.

8902. And who have traversed that road?
Yes; I believe it to be in that state still; there may be an error in my mind, or in that of other parties, but I believe there is no made road beyond Sougur.

8903. But you are not able to give any positive information upon that point?
That is my positive belief; and it is not bridged; and very much of the road, for instance, the part below the Thull Ghaut, is rightly described by the head of the Revenue Survey Department, Captain Wingate, as a "most execrable road."

8904. Earl of *Albemarle.*] Are you acquainted with the description of this road which was given by a Mr. Taylor, a writer in a Bombay paper, on 19th January 1853?
That is the American gentleman I was referring to a little while ago, who attached his name to the letter which he wrote from Agra in one of the Bombay papers, having gone the whole trip; and he gave it station by station.

8905. What is the condition of the bridges in Candeish?
I am not aware that there are any.

8906. Are not bridges very necessary in consequence of the number of rivers which are crossed?
Most decidedly; it would be easy to detail various accidents which have occurred from the absence of bridges, producing great detriment to trade and commerce.

8907. Are there many tanks in Candeish?
There are a very few tanks indeed in Candeish; a part called Baughlana, now included in Candeish, has several old aqueducts and canals formed in the days of the Moguls, or even perhaps before that; but there are no new tanks there beyond one or two; yet, there is no country I am acquainted with so well adapted, from its undulating surface and its countless rivulets, for tanks as Candeish is; and perhaps still more for weirs across those rivulets; and the country exceedingly requires them.

8908. *Chairman.*] With regard to the absence of bridges, are there any natural difficulties in the way of bridging the rivers over which the roads pass?
I am not aware that there are. There are several places on the Tapty and the Nerbudda which would require very heavy outlay for the purpose.

8909. Lord *Wynford.*] Do not they occasionally shift their channels?
Not up the country.

8910. Are not they in the rainy seasons very broad?
No; the Tapty has been known at times, in 1822, for instance, to spread exceedingly wide; but that is not an ordinary occurrence.

8911. Earl of *Albemarle.*] Have not those rivers a peculiar direction, different from other rivers in this part of India; do not they fall into the Gulf of Cambay?
All those rivers do, necessarily, from the nature of the mountains.

8912. Are there any canals in Candeish?
There are no canals but those in Bhauglana.

8913. And no wharfs?
No; the wharfs would be on the sea-board, too far removed.

8914. Will you state the facilities afforded, and the impediments that occur to trade and navigation in the Province of Candeish?
The impediments consist in the entire absence of cross-roads, or even of any great trunk-roads, and the entire absence of bridges, and frequently the absence of surrais, places where travellers and merchants would stop, halt-houses, and caravanserais.

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caravanserais. As regards other impediments they have been removed, in so far as the transit duties have been abolished.

8915. You are acquainted with Nemar, a non-regulation district?
Yes; I am acquainted with Nemar.

8916. Will you describe the condition of that district?
The Province of Nemar, in the valley of the Nerbudda, is a non-regulation district of about 4,000 square miles, under the Government of Agra. It came into our hands at the time when the Peishwa was removed from Poonah; and in 1845 I was sent there, and was placed under the Government of Agra. This is a map of the Province of Nemar, divided into districts [*producing the same*].

8917. Will you state what has been done of late years in Nemar, and what has been the cost?
During the period that I was in Nemar, having received from the Governor of Agra, Mr. Thomason, and from my immediate superior, the resident, at Indore, Mr. R. H. Hamilton, every encouragement, a vast deal was done more than could otherwise have been done. During the period of 30 months that I was there, 105 tanks were constructed or repaired, 60 new surrais or halt-houses built, and roads and passes through different mountains were made. A good deal was done owing mainly to its being a non-regulation district, and in no way under the Military Board or Sudder Adawlut, but all these matters being under the entire control of the Lieutenant-governor of Agra and the resident of Indore, whose liberal encouragement was doubtless the cause of so very much being done; that was in 1835, 1836 and 1837. Since then, the same liberal support has been extended to my successors, Captains H. L. Evans and R. H. Keatinge; and I believe there is now no part of the Bombay Presidency which can be compared to Nemar in all these material advances. Besides these works, 14 Vernacular Libraries were established. I had at first no assistant of any kind; but Mr. Thomason, the Governor of Agra, gave me an uncovenanted European assistant, on a salary of 300 rupees a month. On visiting the place himself, subsequently, he was good enough further to increase the establishment by a European covenanted assistant, an officer of artillery, Mr. Keatinge, now in charge of Nemar, and a native assistant, my Sheristedar, Lall Khan; so that then we had a full establishment, and were enabled to carry on the works at a rapid pace, and to do a great deal more than could otherwise have been done; and it was found exceedingly serviceable to have this European uncovenanted assistant, for although our revenue was small, we had to furnish as many returns as if it had been large: the treasury (a general account), and gaol, with other work, were all made over to this uncovenanted assistant. He corresponded directly with the Accountant-general, the Civil Auditor and other officers, touching fiscal matters. A native uncovenanted assistant was subsequently added to the establishment by Mr. Thomason; so that then we had an European uncovenanted and covenanted with native assistants, having equal powers with myself, as a magistrate (they being joint magistrates), as well as a deputy collector.

8918. You found them competent?
In every respect. The European has died, and has been succeeded by another uncovenanted assistant: so admirably well had the system been found to work.

8919. Can you give the Committee any idea of the cost of any of those works?
The largest sum expended was 5,000 rupees on a tank, the Lake of Lachma; it was one of those magnificent works thrown up by the former rulers of the country, the Kings of Mandoo, costing many lacs of rupees. When the great deluge came in 1802 or 1803, it burst, as every tank in the country did, and in that state it remained till 1845, when, under the encouragement of the Government of Agra, and Mr. Hamilton, of Indore, it was restored, and is still in useful operation.

8920. *Lord Wynford*.] What is the extent of that tank?
That tank is about three miles in circumference.

8921. What

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8921. What is the quantity of water in cubic feet that it is supposed to hold?

I do not think that was ever calculated. We had too much to do to enter into those calculations, if we could have done it.

8922. Does it arise from damming up a stream?

Yes; there are several feeders to it, which are in operation only during the monsoon time; it is a stupendous work, that portion of it done by the Kings of Mandoo; ours was a very small affair, merely stopping up where it had burst.

8923. It is in a valley?

It is in a valley.

8924. Given the length of the sides and the width of the bank, it is no difficult operation to calculate the number of cubic feet of water?

No; it would not have been difficult, but I am not aware that we ever tried it.

8925. Earl of *Albemarle.*] Have you anything further to say with respect to the roads in this part of the country?

There have been a great number of roads made since then; a very fine road has been made from the top of the Ghaut, near Mhow, to Boorhanpoor, crossing the Nerbudda, where there is a trustle bridge lately made by Mr. Keatinge; it is a good buggy road the whole way down to Boorhanpoor, about 100 miles, for all seasons.

8926. Is it fit for commercial purposes?

Quite so; with tanks at every village and rest-houses.

8927. Have you anything further in particular to state with respect to the province of Nemar?

I should be very happy to say a good deal with reference to the system pursued there, and how it might be applied to the neighbouring province of Candeish, with regard to tanks, and with regard to placing at the disposal of European officers more leisure, by the employment of uncovenanted Natives and Europeans: a great deal might be done in that respect.

8928. Lord *Colchester.*] Is Candeish a regulation province?

Yes.

8929. Your evidence would show the difference between a regulation and a non-regulation province?

Yes; and the advantages the latter has over the former.

8930. *Chairman.*] Will you be so good as to state the system which you pursued in the non-regulation provinces, and which you think might be extended to the neighbouring province?

I would first say that in a regulation province, in Candeish for instance, there is a collector and four or five European assistants in the Civil Service, and two or three or four Bheel agents. It may be that one or two of them, the civil assistants, are of some five or ten years' standing, the others are of course much younger, and are as it were learning their duty. The collector of the province is at the same time magistrate and head of the police, and in fact should be called Governor of the province; every kind of improvement, whether with regard to roads or tanks, or anything of that nature, must originate with him—so that he has consequently a vast deal more to do than it is possible for him to get through. I may mention that when living there for years on the most intimate terms with many collectors, my own especial friends, I have frequently seen them, when far away from the head-quarters station, signing paper after paper which the native accountants have sent from head quarters for their signature; without of course being at the trouble of looking at them, but placing reliance on the accountant in the office, who was not even a covenanted or uncovenanted assistant, but a mere common ordinary accountant, indifferently paid or rewarded in any sense. Now, what I would say is, that in Nemar, where everything was so very different, I was enabled, as I before observed, to place the whole of the accounts of the treasury and the gaol, and of the revenue, in fact, as far as concerned the head quarters of the department, under an uncovenanted European assistant, who had been originally a clerk in some of the offices in the North-Western Provinces, and who was sent to me as assistant; he corresponded direct with the civil auditor and the

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the Accountant-general; and I was of course held generally responsible for the accounts; this man was well paid, and was entitled to a pension, and to increase of pay with increased services, that would belong to him in a regulation district; in Candeish, for instance. such an officer could relieve the collector of a great deal of nominal work—work that he cannot be held responsible for, inasmuch as he has not time to get through it; and would have the effect of placing at the disposal of the European officers under him a vast amount of leisure for the discharge of their multifarious duties as regards tanks, road-making and many other necessaries. The Governor of the province and his assistants (for the expression "Governor" is far more applicable than that of "Collector") might, so aided, in various ways be of use to the people of the country by having placed at their disposal much larger funds for the purpose of carrying out those improvements, and having a certain degree of trust reposed in them; in Candeish I believe it is about 5,000 rupees a year, which the Governor of a Province of some 10,000 square miles, with those European assistants, are allowed to expend on roads, tanks and wells, and such things, without reference to the Government, and without being compelled to send for and obtain sanction; that sum they may expend, only rendering an account of the outlay, a most inadequate sum, amounting to about 500*l.* in our currency. But in Nemar, where I was, having got every encouragement from the Governor of the North-Western Provinces, and Mr. Hamilton of Indore, I spent a far greater sum than that, without getting any sanction, until I had completed several works and spent the money on them. Then I wrote for sanction, merely in a few words, explaining the necessity of such works, and got it. Mr. Thomason and Mr. Hamilton were good enough to repose that confidence, and of course the responsibility became the greater. I found no difficulty whatever through my assistants and the head man of the village, the patell, in running up the ordinary retaining walls of earth and clay of a small tank, weirs across rivulets, or anything of that kind, requiring a little science, as far as science is concerned; that is to say, in all that the eye can command, in which perhaps a Native will generally far excel a European in correctness and precision. In Ajmere, where Colonel Dixon has done so very much, he was in the same way uncontrolled by the Military Board, and got every encouragement from the Government; so that he was enabled in the same manner to carry out very great works, far greater than any I can lay claim to. I believe the revenue of the country is vastly increasing. The people that were before very uncivilised have become good, industrious, honest farmers.

8931. Lord *Wynford.*] In the districts with which you have been acquainted, is there any very remarkable deficiency in the means of communication between different provinces?

Very remarkable indeed; when I came down in the October of 1847, to join Sir John Clerk as his private secretary, I was coming along this very trunk-road from Bombay to Agra; when travelling on the trunk road I came to a place on the line near Seirpoor at night time, in a palanquin, and we had to stop because a cart laden with salt was passing along; its wheels stuck fast in a rut right across the road; I had sixteen bearers carrying my palanquin, and three or four times their efforts failed in trying to extricate the cart from this rut in which the wheels had sunk. That was in the high road leading from Malwa and Agra to Bombay.

8932. That was immediately after the monsoon?

That was immediately after the monsoon. That road ought to have been bridged, and it would have been bridged had it been in Nemar, because they have there a road fund, as well as a sufficient establishment; and I need not have written to obtain the sanction of the Government to the paltry outlay requisite to have made that; and so I could mention hundreds of anecdotes of a similar nature; and in fact the impediments to trade and commerce are innumerable, such as no other people would put up with.

8933. Is not that the principal site of a great deal of the cotton cultivation?

A great deal.

8934. This road leads from that cultivation towards the port of export?

Yes, to Bombay.

8935. Is that state of the roads such as to impede the transport of the cotton from the place where it is grown to the port of exportation?

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It depends upon circumstances; if the cotton is taken down on pack bullocks, as it frequently is, those bullocks wander over a wide space of country, and roads are of no avail to them; they wander along the jungle, feeding as they go: 1,000, 2,000, 3,000, or 4,000 bullocks are in the morning laden and driven away; they go along the whole day till evening, when there is a halt cried, and the packs are thrown off, and an encampment formed for the night: to them a road is of no consideration; but a road is very important where the cotton is pressed up the country, and taken down in waggons; that would be a far better way of transporting it, and no doubt far more economical. The cotton pack is dragged along through those jungles, or thorny bushes and trees, and suffers enormously; much cotton is dragged out of the pack; in fact one might very easily collect a large supply of cotton, by merely taking it off from the thorny trees all along the line that the bullocks pass; then in the evening that sack, torn as it has been during the day by those thorns, is thrown over upon the dusty ground; and, of course, when the cotton reaches this country, it is pronounced of very inferior quality, having in this transit of a month and a half or two months to Bombay each day taken in so much dust: if it could be carried in waggons, of course it would come in a very different condition.

8936. Earl of *Albemarle.*] A Return has been made to the House of Lords, showing the trunk-roads fit for the transport of goods by wheel carriages which have been constructed in the Bombay Presidency; will you look at that Return, and state what is the general condition of the roads there mentioned?

The first is the road from Bombay to Poona, 94 miles. The road is a fair road enough, but it goes over the Bhore Ghaut, with a gradient of one in 10 or 11 or 12, which is a frightful gradient; but otherwise, it is a fair road for India. Then the next road, I observe here, is the Mahabulishwar road, that is up the hills. The road, as far as the people of the country are concerned, is of no use at all. It is solely of use to Europeans, and in my opinion should not have been made; while other works of essential use are wanting for trade. The road from Poona to Ahmednuggur is very fair; and the road from Poona to Sattara is the same. The road from Poona to Narraingaum I do not know. Then with respect to the Bombay and Agra road, it is stated here to be made for 270 miles to Sindwa. According to my knowledge, derived from inquiries lately made, that road does not extend to Sindwa; it only extends to Soangier, which is 12 miles beyond Dhooliah. I am confident that nothing has been done to it up to Agra beyond the mere levelling, clearing, and throwing the stones aside. I am not aware that it is bridged anywhere scarcely; I know that the Tapty and Nerbudda are not bridged, the Girna is not bridged, nor is the Godavery, with many other rivers.

8937. *Chairman.*] Are the Committee to understand that you dispute the correctness of this Return?

No; I do not dispute any portion of the Return; I merely make this remark on the Poona and Bombay road, that there is the Bhore Ghaut with a gradient of one in 12; and this Bombay and Agra road to Sindwa is, I think, a little over-stated, though it is perhaps not worth noticing. Then this is not including bridging. Many of these roads are not bridged.

8938. You have previously stated that your own personal knowledge does not extend later than three or four years ago?

Yes, as to portions of it.

8939. Earl of *Albemarle.*] Will you state the general condition of the public works in Guzerat; such as roads, bridges, tanks and ports?

That is very easily summed up. There are no roads or bridges in all Guzerat; that is to say, in the collectorates of Surat, Broach, Kaira and Ahmedabad; there are none outside the military cantonments. There are no bridges, and the ports are in a state of nature. The ports are in the Gulf of Cambay, Tunkaria, Goga, and Broach; those different ports may be said to be in a state of nature, presenting very great drawbacks to trade. As to roads there are none in the whole country, in consequence partly of which, its trade during four or five months of the year with the ports is stopped; because it frequently happens that a late fall of rain coming on, the yet damp soil has the effect of shutting up trade for perhaps six weeks after the ordinary close of the monsoon, when boats come to the named ports. These boats have thus to remain idle until the mud dries,

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so as to allow of carts to pass over it. This is a very serious drawback on trade and industry.

8940. Is there not a tramway there?

There is a tramway at Dholerah; owing to the exertions of Major Fuljames, commanding the Guzerat Regular Horse, now political agent in the Rewaconta, a tramway has been made there, which has proved of very great utility to the trade of the country it is in.

8941. Do you know anything of the expense of it?

No, I do not. With reference to harbours in the Gulf of Cambay, and places for loading and unloading goods, one of them is Broach on the Nerbudda; nothing can be in a more backward state than those are; there is no wharf or crane of any kind; and the trade has to contend with obstacles, which, perhaps, none would encounter but the patient and persevering people of India. For instance, at Broach, a place of great export of cotton, it is not uncommon to see the people lay a pathway of grass on the damp bed of the river, and then to spread their blankets or their coarse cloths on it, and roll bales of cotton down to the boat over this path. After a time, the pressure of their feet on this way so made of grass sinks into the mud; and the consequence is, that the bales arrive in Bombay damp, and they are injured to some extent; it would be a very easy matter at Tankaria Bunder, Broach, Surat and elsewhere, to have wharfs or conveniences such as trade and commerce require. In Guzerat the material for road-making is very deficient; but it would be a very simple matter to have the tracks of the country used as roads annually repaired; now the ruts formed by the wheels are frequently two feet deep.

8942. In fact the roads are concave instead of convex?

Yes; the axletree in going along frequently scrapes on the mound between the two ruts formed by the earth being thrown up by centuries of use by the wheels passing to and fro; and a more frightful thing to ride over or drive on than one of those roads it is impossible to imagine; it was frequently recommended to the Government to have them levelled and filled up; and if that were once done, the annual cost of repair would be a very small affair. But under the Presidency of Bombay it has generally been found that nothing could be done without such forms being gone through with the Military Board, and one impediment or another of the kind, that those things fell dead born, and nothing was done. When I was Acting Resident at Baroda, two or three years ago, being called upon by the Government to make some remarks upon these matters, I suggested having these roads filled up, and something being done for the port of Tankaria Bunder, but nothing was done; nor was the suggestion made by the Committee upon cotton in the year 1846 attended to; they recommended something being done to those ports, Tankaria Bunder, Broach and Surat, by at least constructing landing-places and cranes, but nothing has been done for that purpose, except that I am told that an expenditure of 30,000 rupees was sanctioned for the construction of a landing-place at Tankaria Bunder lately. In all Guzerat, so far as I am aware, there are but a few miles of tolerably clear and level road; and that was made a little time back by his Highness the Guicowar 14 miles from Baroda to Wassud on the Mhye; he repaired and bridged it, built one or two surais near it, and planted trees on either side the whole length.

8943. Do you know the road from Ahmednuggur to Bombay?

Yes; it is a fair road through Poonah over the before-named Bhore Ghaut, in which are gradients of one in 12, I believe.

8944. Has there been any increase of traffic upon it since the making of that road?

Vast increase. Previously to the construction of the road from Bombay to Poonah, and on to Ahmednuggur, carts were not very common in the country; but since then they have become exceedingly numerous, and in every direction wheelwrights are to be seen. The extension of the traffic has been very enormous, in consequence of the construction of those roads. If there were good roads to Candeish and Berar, no doubt that we should have fine large waggons and carts, such as are found in countries where commerce is more favoured.

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8945. Is there any outlet for the trade of the southern Mahratta country direct to the coast?

Not that I am aware of: I observe here it is stated that there is a road from Vingoola Port to Belgaum, Dharwar, Hooblee and Port of Coompta. But that is not a port for anything more than boats. Viziadroog is a small harbour, which, if attended to, no doubt a good deal could be made of; but then a road is required up the Phoonda Pass into those countries of Belgaum and the southern Mahratta country.

8946. Have you any other suggestions to make with a view of affording an outlet of the trade of the southern Mahratta country?

Not that I am aware of. The harbour of Viziadroog might, I think, be made with great advantage a harbour of refuge; and a lighthouse should be built there, and a Customs Department established there. The repair of the Phoonda or some other pass leading thence up into the southern Mahratta country is very essential.

8947. In what mode could the cotton of Berar and Candeish be best enabled to reach the coast?

My opinion is, that the better plan for the cotton of Berar and Candeish is to go to Surat down by the Isabarry Pass. This map [*producing a map*] is from a work on cotton and railways, by Colonel Grant, of the Bombay Engineers. There are no impediments to that line, and it is in fact the natural line. A survey of that line has just been sanctioned by the Board of Control and the India House, for the Baroda and Central India Railway Company.

8948. Have you any information upon the subject of linseed in those provinces?

I know that Berar produces a good deal of linseed. The obstacles to its being taken in any quantity to Bombay are the absence of good roads and bridges, and the consequent absence of carts and waggons, which of itself explains the difficulties the trade has to contend with. A friend of mine residing in Berar, who is a trader in cotton and various matters, sent some years back a quantity of linseed, as specimens to various mercantile houses in Bombay, asking the terms they would offer for that species of linseed, and they wrote to say that they would take any quantity of it; but the terms offered were such as that that gentleman would have merely saved his own if he had to carry the linseed on pack bullocks from Berar to Bombay; if he could have sent the linseed down in waggons or in any way except on the backs of bullocks, where it was liable to have the sacks torn and to encounter many accidents, the trade between the country we have just acquired in Berar and Bombay in linseed alone would have been very extensive; but it is like a good many cases in India of that kind, where a vast number of agricultural productions that will not bear the expense of transport to the coast are grown, owing to the absence of roads.

8949. Lord *Wynford*.] Can you explain how it is that the cotton is not transported for the purpose of exportation to the mouth of the Godavery instead of to Bombay?

A good portion of the cotton of Berar goes to Mirzapore; the remaining part comes to Bombay, being the nearer port.

8950. As a great proportion of the cotton is afterwards shipped to China, and does not come to England, surely it would be much better to ship it to China from the mouth of the Godavery, than from the Bombay side?

I do not know anything of that part of the country; I know a great deal goes to Mirzapore and to Coringa.

8951. Earl of *Albemarle*.] You have spoken of the works which are required and of the facilities which exist for executing them; but would they not require a large engineer's staff?

No, I do not think they would; because, from what I have stated, from the way in which things were done in Nemar and in the Ajmeer Provinces, there would be great facilities for doing those things so soon as the means were placed at the disposal of the Collector. Give him the men and means of doing the works, and he would very soon get them done. But to enable him to superintend those works, and to look after them, he must be relieved of a good deal of petty minor detail, involving some responsibility, before alluded to, in the shape of accounts and other

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matters of that kind. This object might be elucidated by anecdotes which we have all heard of, instances of accounts remaining unclosed for many years together. That kind of thing would never have occurred were there the uncovenanted assistants, that I have before referred to, in some manner placed at the disposal of the Collector; it would save money as well as time; and he, with his assistants, would do a vast deal without any extra staff of engineer officers.

8952. The uncovenanted servants would supply the place of the covenanted? Of course they would.

8953. And efficiently?

In my opinion most efficiently; over them Government would have a far greater hold than they have over the covenanted; they would be Natives of the soil, or Europeans duly qualified in a knowledge of the habits, customs and language of the country, such as few covenanted ever possess; and ere possessing this knowledge, the uncovenanted should not be employed. The covenanted goes out employed, and is on a high salary while acquiring a portion of that the others would have previous to drawing a salary. In the North-Western Provinces uncovenanted servants are extensively employed.

8954. You are speaking now of the Natives of the country?

Europeans and Natives of the country; I have had no opportunity of judging of the efficiency of Europeans not born in the country.

8955. Broach is a port, is it not?

Broach is a port on the Nerbudda River.

8956. What condition is it in?

In the condition in which nature left it, wanting in every sense. There is no means of any kind afforded to benefit the trade there; it has been sadly neglected. Everything is wanting; there is no landing-place; there is no such thing as a crane or work of any kind to aid in loading and unloading boats.

8957. What would you suggest for the ports in the Gulf of Cambay?

Good roads cannot be made very easily, from the absence of stone or other material of that description along the lines leading to these ports; the best thing that can be done is to level and raise the line of country as a road; and to mark it out with a drain on either side, and bridge it as best may be done, making at the ports such landing-places, and erecting such cranes and other means as are called for to load and unload boats.

8958. Lord *Elphinstone.*] Is not the Guicowar making a railway somewhere in that direction?

No; there was a scheme talked of when I was at Baroda, some years ago, which is now embodied in a Company lately started, called the Baroda and Central India Railway Company.

8959. Earl of *Albemarle.*] As you were interested in the introduction of railways in Guzerat, will you state the present prospects of the undertaking?

A Company has been formed which has addressed a memorial, of which I have a copy, to the Court of Directors, called the Baroda and Central India Railway Company. As yet very little has been done; but within the last week or fortnight the Court of Directors and the President of the Board of Control have sanctioned our now proceeding to work, by sending out a staff of officers to survey the line, and in fact making a beginning.

8960. Lord *Wynford.*] It appears that there is a line projected up the Valley of the Taptee, into Berar?

It is one of our branch lines.

8961. Earl of *Albemarle.*] What do you consider to be the best line for the conveyance of cotton from Candeish and Berar to the coast?

The natural line is by the valley of the Poorna and the Taptee, through Berar and Candeish to Surat, descending *viâ* the Isabarry Pass, a pass that I went down a few years ago with the Guicowar, who had in his train 1,200 carts. We found the road a very easy descent, and according to my opinion, for a very small sum of money, it could be made a very excellent road; it was in fact levelled and repaired to some extent in 1824, but since that time it has been much neglected.

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8962. Lord *Elphinstone*.] Are the lines marked in this map which you have produced, the lines which you would recommend for the construction of railways in the Bombay Presidency?

No; the lines which I would recommend are naturally those of the Company of which I am a director, the Baroda and Central India Railway Company, being from Bombay to Surat, and on to Baroda through Malwa to Rutlam, and to Agra by the valley of the Chumbril.

8963. By that line you would avoid the Ghauts?

Yes; you flank the Ghauts, with branch lines from Baroda to Ahmedabad, and from Surat up the valley of the Taptee to Oomrawattee in Berar.

8964. Would those lines be constructed and worked at less cost than lines which cross the Ghauts?

I firmly believe so.

8965. Would they be very circuitous?

No, not very much so; that to Berar would be somewhat circuitous; but the others are exceedingly straight, taking in all the great commercial cities of the West of India and Malwa, which export annually two millions worth of opium.

8966. Earl of *Albemarle*.] Besides the advantages of railway communication to commerce and to agriculture, have you anything to say with respect to the facilities which it would afford for the transport of the army?

I think that the introduction of railways would, as stated by the Governor-general in his late invaluable minute, enable a vast reduction to be made in our army, as well as much facilitate its operations, and add to our prestige.

8967. Lord *Broughton*.] Are you aware that Lord Hardinge made a calculation that the having a railway from Calcutta to the North-Western frontier would enable him to reduce the army by 50,000 men?

I think it is very likely indeed. Lord Dalhousie does not state what amount of reduction could be made, but he says he thinks that a very great one indeed might be made if railways were established.

8968. Earl of *Albemarle*.] Can you suggest any means by which our finances may be placed in a condition to meet the guarantees for, or the construction by the State of such costly works as railways?

I suppose that any person who has been the length of time that I have in India in such different capacities, political and other capacities, would be enabled to point out various ways in which large sums of money certainly might be saved. The estimate formed by any witness will of course be dependent upon the earnestness with which he viewed the want of roads and such like things up the country. His enthusiasm or earnestness in the cause would determine how far he may or may not be carried away, in judging of the necessity of this or that or the other appointment. Having served so very long in India, in the interior of the country, having resided very much among the people, I have very strong notions on the matter, and, I confess, perhaps a little enthusiasm. I am of opinion, that very large sums of money are needlessly squandered, while, at the same time, the wants of the people are in proportion neglected. I would, if it were thought requisite, mention those particulars in which I consider that money might be saved.

8969. Will you state what those are?

I know not but that I may be trenching upon matters of which it has not been customary to speak in the evidence before this Committee, but, being of opinion that every man might, to a certain extent, be enabled to point out how the Government would be placed in a position to carry out these works, which are so essential to the country, I think there is no indelicacy in saying how the means are to be acquired, in my opinion. Therefore, I would say, that I think the first thing would be to do away with sinecure appointments; and having myself held one or two of them, I am, perhaps, the better able to judge of that. I would say, that there are at Bombay, and perhaps elsewhere also, appointments which I think might very reasonably be curtailed, or modified extremely; for instance, the appointment of Private Secretary to the Governor, and of Military Secretary to the Governor. I held, myself, the appointment of Private Secretary to the Governor, and I must confess that I know that to be a sinecure, and I believe that the other is also.

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8970. Lord *Broughton*.] Do you speak only with reference to the Government of Bombay, or do you speak of the other Presidencies also?

I speak of the private secretary to the Governor of Bombay; I cannot speak with reference to the other Presidencies, but I can with reference to Bombay, having been myself secretary to Sir George Clerk; and if any doubt should exist upon the matter, it would only be requisite to state a list of those who have filled the offices for the last 20 or 25 years; and it will then be seen whether the State can afford to pay 1,500 rupees a month, or 18,000 rupees a year, on the simple article of salaries, to persons in such a position. I deem the situation of private secretary to the Governor to be a sinecure, inasmuch as the Governor has the secretaries of the Government from whom to take advice, and to consult. If the Governor knows his duty, he will, through them, be enabled to carry on his work; if he does not, he may rest overmuch on his private secretary.

8971. Lord *Elphinstone*.] Had not the Governor of Bombay very numerous correspondence to conduct?

I should imagine not.

8972. Were there no applications for appointments that came to the Governor?

Yes; applications for appointments came in in great abundance, mere matters of form.

8973. Were there no petitions that reached him?

Petitions which came in would be transferred to the department to which they belonged, in the secretariate; they would probably come in in the vernacular language, and be sent to the Persian department, and by that department be made over to their proper one.

8974. Was it not your habit as private secretary to answer any of those petitions yourself?

No; there may have been one or two that would be addressed to the Governor, not as Governor in Council; I speak with diffidence; I am not very certain that I did reply to even one or two, unless they might have been petitions presented at the Government House, when Sir George Clerk might tell me personally to speak to the petitioners.

8975. Then it was not the habit at Bombay for the Governor to receive petitions either personally or through his private secretary?

If any were brought, the private secretary would transfer them to the secretary to Government, to whose department they belonged.

8976. But it was not his habit to answer them either himself or through his private secretary?

Not through his private secretary; if people themselves came with a petition, and asked to see the Governor or to see his private secretary, his Excellency might in person reply to them, and very likely it might eventuate in their taking back their petition upon his explaining that it was a thing which he could not interfere with.

8977. But, generally, you had no extensive correspondence to carry on?

No; acknowledging applications for appointments is not worth mentioning.

8978. Had the Governor no extensive correspondence to carry on?

No, I should say not; but Sir George Clerk was a man who had served so long in India that he was quite at home in every department; and being of active habits, he saw every man at the Presidency himself.

8979. What number of letters do you think the Governor might receive in the course of a day to be answered through his private secretary?

I should say that he never received five or six; I should doubt whether he ever got so many; I may add any. The Governor would probably correspond with one or two persons from whom he might wish to elicit information; but the ordinary course is to correspond through the secretary of the Government, in whose department the matter lies, he being more conversant with the matter than the private secretary could be.

8980. With regard to the establishment at the Government House, were there no

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no duties devolving upon the private secretary [illegible] and payment of the Government House establishment [illegible].

That devolved upon the military secretary; and having seen much of the military secretary, I class his appointment very much under the same head under which I put my own; I do not think that either can be required. Sir G. Clerk was the only Governor I am aware of who nominated servants of the East India Company as his private and military secretary. These situations are always filled by sons or relations of the Governor, gentlemen of Her Majesty's service, army or navy, or of our service; so naturally they can be of no use to India, which pays [illegible]

8981. Lord *Wynford*.] Is there no direct correspondence between the Government of Bombay and the authorities at home?

Yes; the official foolscap correspondence is of course voluminous beyond description; the letters go from the Governor in Council, and are signed by one of the Secretaries; the ordinary correspondence is in that fashion.

8982. Lord *Broughton*.] Have you ever considered the question of the expediency of the Governor of Bombay and the Governor of Madras having councils?

I have frequently considered it, having been thrown in the way of looking at such subjects, not only during the period I was with Sir George Clerk as private secretary, but long before, from other circumstances, and my opinion is, that where a Governor is sent out conversant with the duties he is called to perform, a council can be of no necessity.

8983. Do you not think that Mr. Thomason, for example, would be rather impeded in his administration by a council than assisted by it?

Most certainly he would be impeded, because during the period that I was connected with the Government of Bombay, being the Governor's private secretary, the council tended much to impede, by constant strictures on everything, and critiques, and reviews and revision, and never themselves originating anything.

8984. Earl of *Albemarle*.] Have you any other reductions to suggest?

I have mentioned that the private and military secretaryships of the Governor, amounting in salary, the one to 1,500 rupees per month, and the other to 1,000, might be reduced; but it is requisite for the Committee to bear in mind that this is the salary only; they travel at the Government expense, and all and everything, except their horses and servants, are furnished by the State; then I think that considering the extreme want which there is in the country of roads and bridges, and the wants of the people generally in the interior of the country, we are not in a position to expend upon such things as the Governor's band 2,000 rupees a month; I think that certainly might, with great propriety, be abolished.

8985. Is there any other band of which the Governor could avail himself?

Yes; every regiment has a band; that in question is commonly called the "garrison band" of Bombay. When it was originally raised, many years back, there were then no bands with the Company's regiments; now there is a band with every regiment, supported mainly by the State, and this garrison band of Bombay, or the Governor's band, which is under the town-major, does no military duty. It performs twice or thrice a week on the Esplanade in Bombay for the Europeans of one of the richest towns in the world perhaps, who should in lieu support a band by subscription. But seeing how the people in the interior of the country are suffering from the want of roads and bridges, and wells, and many things, I do not think that can be regarded as a legitimate manner of expending about 2,000 rupees a month by the Government, besides other expenses attending on such a body, while only one lac or five times the cost of the band is sanctioned for the education of the whole Presidency, containing 1[illegible],000,000 of souls.

8986. What other economical measures would you suggest?

I think also that the whole of the garrison staff of the [illegible] modelled [illegible] saving [illegible] that would amount to [illegible] 1,200 [illegible] month. The Governor of Bombay is Commander-in-Chief of [illegible] Commander-in-Chief of the Army; the Commander-in-Chief of the Army has no authority over the garrison in the island of Bombay [illegible] is a double establishment, and I think [illegible]

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very considerable saving of expense, making the Commander-in-Chief of the Army, Commander-in-Chief in Bombay.

8987. What amount of reduction do you contemplate by that item?

I think in round numbers it might be put down at 1,200 rupees a month; that is 1,400*l.* a year.

8988. What is the next item?

From inquiries I have made, I have satisfied myself that the appointments of Military Secretary and Persian Interpreter to the Commander-in-Chief of the Presidency are quite needless, and may be dispensed with, without detriment to the service at large.

8989. Has the Commander-in-Chief no necessity for an interpreter occasionally?

No, I think that he has not. He sees very little of the army. But even were it otherwise, his aides-de-camp may be supposed to be interpreters, or should be so qualified; and every regiment has an interpreter. He never sees the men without an interpreter being there, and besides which it is pretty well known that the situation is a mere situation. If he requires anything with reference to the army at large, there is always the Quartermaster-general or the Adjutant-general, and the different heads of departments at call. It has also occurred to me, that a great deal might be saved were the public offices of the Presidency of Bombay transferred to the now useless town barracks in the fort of Bombay. The idea is nothing new; but I mention it, as the non-performance of that proposal shows that there is little regard paid to the introduction of economy, and consequently to the means of supplying the wants of the people up the country. That I calculate would be attended with a saving of about 3,000*l.* a year. How far the different points I referred to would be applicable at Madras I am not prepared to say; but if applicable there also, the saving would be of course double.

8990. What would be the aggregate amount of saving that would be effected by the adoption of those measures?

I think it is about two lacs of rupees per annum; that is with others I could name.

8991. About 20,000*l.* a year?

Yes; but I only speak of what has come within my own observation. No doubt if the Committee have put similar questions to other witnesses, they would have elicited a good deal of information. These suggestions of reductions would, of course, never be supposed to apply to the incumbents of offices at present.

8992. You stated that the Collectors and their assistants are allowed a small sum annually to expend on roads without any reference to the Government?

Yes, 5,000 rupees.

8993. Lord *Elphinstone.*] And without any reference to the amount of the collection in their district?

I believe so. My information upon that point comes from a gentleman now at home; and as far as I can recollect, it was 5,000 rupees that they all had.

8994. Earl of *Albemarle.*] You would recommend that that amount should be increased?

I would certainly, to carry on public works.

8995. Lord *Wynford.*] And you would provide for that by the means you have proposed?

By curtailing useless expenditure; this is one means.

8996. Lord *Broughton.*] Did not it appear to you, when you were Secretary to the Governor of Bombay, that there was an unnecessary multiplication of correspondence backwards and forwards from one Board to another?

Exceedingly so; that seemed to be admitted on all hands. Even in Bombay itself they allowed it.

8997. Earl of *Albemarle.*] Do you think that the Collectors at present have time to superintend advantageously the outlay of a much larger grant for roads and other useful works?

 No,

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No, I do not think they have; but that would be met by the introduction of uncovenanted assistants, by employing, as I was enabled to do in Nemar, Natives to carry out many of those works. I found them then perfectly equal to do it, and I found them trustworthy.

8998. With respect to public works, you are for a much greater employment of Natives in their construction, and in performing many of the functions now performed by covenanted servants?

Yes, I would employ the Natives far more extensively and in higher positions than they are now; I did in Nemar, as well in judicial, revenue and general matters, as in the construction of many of those roads, small bridges and tanks, and weirs across rivulets and things of that kind, which they would do better than I myself could, or at least as well, where they require no engineering skill; where there was an engineer required, then I would have one of course. The great trunk lines of road should be laid out by them; and when there are broad rivers to be spanned, they should be employed to do it.

8999. You had in the Nemar district, Europeans and Native assistants; how do they act together?

Exceedingly well; as magistrates they had power equal with myself, being joint magistrates; and their power was double that exercised by any collector or magistrate in one of the regulation provinces. It was found that they exercised it with great judgment and propriety, and to this hour they have given every satisfaction, and, in fact, in the North-Western Provinces, they have been most extensively employed. It is only on the Bombay side that there seems to be a reluctance to give them the encouragement which the behests of the country point to. We have not got covenanted Europeans in sufficient numbers to discharge the various duties, even if the men themselves, in respect of capacity and endurance of the climate, and knowledge of the Natives and their habits and customs, were equal to what is required.

9000. There were certain suggestions made by the Committee of the House of Commons on the cotton cultivation in the year 1846, regarding the ports of Guzerat; how have they been acted on?

They have not been acted on. The Cotton Committee of 1846 recommended certain improvements of the ports.

9001. Did they not recommend facilities to be provided for landing goods?

Yes, for landing and discharging in the Gulf of Cambay; they have not been acted upon; and the ports remain still as they have been, in a state of nature, as the roads are in Guzerat.

9002. Did not the Guicowar build a caravansary at Tunkaria Bunder?

Yes, he built a very fine one at Tunkaria Bunder, although a British port.

9003. Is it protected by any military force?

No, I cannot learn that it is; protection is exceedingly called for. A military post should be placed there, as was recommended to the Government; but they did not see the utility of the matter, and there is consequently no protection at Tunkaria Bunder for traders and others who resort to the port.

9004. Is that the reason that it is not more used?

That may be one of the reasons.

9005. What is the saving by Tunkaria Bunder as compared with the route *viâ* the Thull Ghaut from Malwa?

The saving of land carriage in going to Bombay by Tunkaria Bunder, by Baroda up to Rutlam, when compared with the route from Rutlam *viâ* the Thull Ghaut down by Nassick, is 214 miles. Against this, of course, there is to be put the sea voyage; but the road has been neglected and not protected by the police; and many other reasons exist why trade with that port has fallen off in latter days.

9006. What suggestions would you make for facilitating the import and export trade between Malwa and Bombay?

I should say, perhaps, the best mode of doing it would be to carry out the Governor-general's idea of railways, as lately published.

9007. Is there not a want of good materials for road-making in Guzerat?

There is; it is exceedingly deficient indeed.

9008. What

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9008. What would you suggest as a substitute for stone for metalling the roads?

What we call morum is to be had in some places.

9009. Is it easily procurable?

In some places it is; but burnt earth or clay has been found to make very good roads; at all events the simply filling up of the ruts, raising the roads with a ditch on either side, laying down straight lines and bridging over rivers, would be itself a very vast concession to the trade of the country.

9010. Did you, while acting resident at Baroda, make any suggestions to the Government upon this subject?

I did; they were not attended to.

9011. Are you of opinion that the patells, the head men of the village, may be safely intrusted with the construction of small tanks?

Certainly; I found them fully equal to it in Nemar, and elsewhere, where I have been.

9012. Lord *Elphinstone.*] Do not those persons differ very much in different parts of the country?

I suppose they do.

9013. May not a patell in the part of India of which you are speaking be a much more intelligent man than a patell in Southern India, or a head man in Bengal?

I can only speak as far as I have seen. In Candeish or Guzerat or Nemar, they are fully equal to do anything of that sort, and to a good deal more, I think; many of them are very intelligent men.

9014. Earl of *Albemarle.*] On the maps which you have shown to the Committee, there are a number of rivulets; would it, in your opinion, be advantageous that means should be adopted for retaining the water in those rivulets by means of weirs?

I should say that they might be all so stopped up, and weirs thrown across, and be made to retain a very considerable amount of water.

9015. Would those constructions require an engineer officer?

Certainly not, in the places referred to.

9016. Who would superintend them?

The head revenue officer or Mamhildar of the Pergunnah would see to the construction, having obtained the sanction of the Collector, who or his assistants would see to its progress.

9017. You think that if the roads were improved, the present system of transporting goods by means of pack bullocks would be done away with?

I have not the least doubt of it; if the roads were improved, and good Ghauts of easy access made, waggons and carts would be used instead of pack bullocks.

9018. How many journeys in a year do the pack bullocks make to Bombay from Candeish?

I think two and a half; and then they are taken off, sore on their backs and sore afoot, thin and lean, and sent to recruit in the hills.

9019. By having carts and waggons, they would make more journeys in the year?

Yes; the bullocks would not suffer so much, and the goods would be conveyed without suffering so much injury as at present.

9020. Are there tolls levied on the roads and passes?

Only, I think, on the Bhore Ghaut and the Thull Ghaût.

9021. Do you think that people would object to the payment of tolls?

Certainly not, if there were good roads made.

9022. Sufficient in amount to keep the roads in order?

That, of course, would depend upon the number coming and going. I do not think the people would object to tolls were roads made.

9023. What is your opinion of the effect of the present export and import duties upon the cultivation and the manufactures of India?

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The duties have hitherto tended to destroy the manufactures of India, and they have effectually done so: we can all recollect, or have read, of the day when India was a great exporter of manufactured goods.

9024. Lord *Wynford.*] Would you like to have the import duties increased, for encouraging manufactures in India?

No; I am a free-trader; the manufactures have been ruined. In the words of Dr. Wilson, England made a most shameful use of its power, and destroyed the manufactures of India, in order to benefit those of England; as it did, for the same purpose, the woollen trade of Ireland. Now, it would be impossible to restore them; the manufactures of India do not exist now; but even if they did, I would not, on free-trade principles, give them any encouragement by a duty in their favour. But hitherto they have had, I believe, the reverse of encouragement: there was discouragement, in order to benefit the manufactures of this country. At the present moment a great irregularity exists: English manufactured goods on going to India pay only five per cent., while Indian goods on coming here pay ten per cent.

9025. Earl of *Albemarle.*] It is equal duties that you are advocating?

I advocate equal duties. The raw produce of India which comes into this country, by way of favouring the manufactures of England, pays no duty. In all respects India is sacrificed to this country.

9026. *Chairman.*] But surely, if the English manufactures paying five per cent. are able to drive out the manufactures of India, it shows that those manufactures cannot, under an equal system of taxation, compete with those of England?

It would be difficult for them to compete, under any circumstances, with English manufactures. But many years ago, Indian manufactures coming to this country were met by a prohibitory duty, and we favoured our own manufactures going to India to the exclusion of those of all foreign countries; so that the manufactures of India died under such treatment.

9027. Then you object to a prohibitory duty in this country, excluding Indian manufactures; but you do not object to free competition being allowed to exist between British manufactures and Indian manufactures in India?

Certainly not, to free competition; but at the present moment it is not free, inasmuch as Indian manufactured goods on coming to this country pay ten per cent. duty, and English manufactured goods on being taken to India pay only five per cent., while, with a view to give this country a further advantage, Indian raw produce on coming here pays no duty.

9028. Earl of *Albemarle.*] You are aware that Lord Ellenborough suggested a mode of raising money by loan in order to carry out great public works in India; have you considered that subject?

Certainly; if Lord Ellenborough's plan of paying as much as might be of the debt by a new loan could be carried out, it would no doubt be attended with a saving of a very considerable amount, and that would go a vast way towards supplying means for the improvement of India.

9029. Have you considered the subject of the sale of land in India?

Yes, I have, a great deal; and I have been for many years back an advocate for it.

9030. Upon what conditions?

I would beg to observe, not upon the principle followed on the Bengal side, when Lord Cornwallis introduced the system; but I would offer, for example, to a cultivator, the land which he holds, if he chooses to purchase it, on terms that may be agreed upon, he merely purchasing the Government rent or tax; all other demands on his farm on the part of the village and the village officers remaining, of course, in force. If he is not disposed to purchase it, he may retain it as at present, as a tenant-at-will, or a tenant for a term of years. The whole is summed up in these few words: tracts of land long out of cultivation I would dispose of, subject, of course, to the condition of paying the village its dues.

9031. What would you do with the proceeds of the land so sold?

The proceeds I would expend on the improvement of the country. Sir George Clerk in his evidence, before either this Committee or the Committee of the

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House of Commons, recommended that money should be raised by loan, for expenditure on local improvements in India. Without objecting to that opinion of Sir George Clerk, I should rather endeavour, in this fashion, to raise money to carry out improvements, and at the same time to encourage the formation of a class of men who would owe their existence as freeholders to the British Government. We have nearly pulled down the class of landed proprietors; they are becoming, day by day, under the operation of our laws, extinct. This would be a mode of reviving such a class, and giving to men who have the means of acquiring land in perpetuity the option of so spending their cash, the fruits of their industry or economy. Now, the people of India are, perhaps, the only people in the world who cannot expend their money in purchasing an acre or two of ground which their forefathers have from time immemorial ploughed, by purchasing the Government tax or rent of it; and in fact they cannot in any way invest in landed property, of which they are so exceedingly fond, the proceeds of their economy or success in trade, or agriculture in any shape. There is every encouragement held out to invest money in gold ornaments and other unproductive matters, or on costly marriage feasts, but in fact there is no encouragement to economy; none at least so acceptable and easy of accomplishment as by allowing the farmer to become a freeholder: were some lacs thus raised annually, and spent on the country, the unsold land would be doubly productive.

9032. Lord *Wynford.*] Surely in the North-Western Provinces they can invest their money in a 30 years' lease?

Yes, they can; but a 30 years' lease is as a few hours to a native of India: a native looks to sinking a well, or planting a tree, which his children and his children's children may possess for ever; we are content often with talking of one or two generations; but not so with the people of India, who desire to have a perpetuity for their children's children through all future times: a native line never fails, according to their native customs, because adoption supplies deficiencies.

9033. Earl of *Albemarle.*] To a native of India it is a reproach to be without an heir?

Yes.

9034. Are you of opinion that much advantage would arise from the appointment here and in India of finance committees, similar to that recommended by Lord Ellenborough?

I have not the least doubt that any witness who has appeared before this Committee, or the Committee of the House of Commons, could each and all have told of sums of money that might be saved to the State; each one could point out one or two ways in which economy might be introduced.

9035. What is your own opinion as to the expediency of the Governors making annual tours?

It is highly desirable.

9036. Lord *Wynford.*] Is it not attended with enormous expense?

It need not be so, and I do not know that it should be allowed to be so.

9037. Is it possible for a man in the Governor's situation to move without an immense retinue?

I know that Sir George Clerk, during the period I was much connected with him, not being in very good health, could not go about much; but before I joined him, he ordered horses to be posted, got into a curricle or some kind of conveyance with his military secretary, and drove to Ahmednuggur, that was 74 miles, without any escort: there was nobody else with him. He went over and saw the Judge there, looked at the gaol, fort, arsenal, and public offices, saw the schools and people, and in fact went about much. There is no necessity for a large retinue—it need not be attended with any expense; but it should be a part of the Governor's duty to travel about the country, far and wide, on any salary that may be fixed for him. Had Sir G. Clerk remained the usual period, and enjoyed good health, he would have seen every district ere its close; and recommended various undertakings to the Home authorities, I feel assured.

9038. Earl of *Albemarle.*] Have you anything further to say upon the subject of roads and other public works?

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Feeling the wants of the natives, and the wants of the country, I think too much cannot be said. It is sad to think of what the people have to encounter in taking their farming stock to market 30 or 40 miles over wretched roads, and when they get there, in consequence of the immense numbers of the agricultural classes, not getting more than they would have got at the retail rates in their own village, all the population being agricultural, and there being few manufacturers, and few purchasers except those who are actually people who have raised themselves by means of cultivating the soil. Roads will do much to make India an exporting country, and a vast consumer of England's manufactured goods.

9039. Lord *Wynford.*] You were understood to say in an early part of your evidence that several of the great trunk-roads were actually made, but that with respect to others, great difficulties would be experienced in making them, in consequence of the immense expansion of the rivers during the monsoons, and their contracting afterwards in dry weather, and from other circumstances?

No; I said that the Taptee expanded a good deal at certain seasons; that the last time that that happened was in 1822. But the question put to me was with reference to Candeish, a country presenting peculiar facilities for the construction of roads; it is very undulating, and the little ranges of hills which exist there of course afford means for metalling the roads. In Guzerat, the difficulty is the absence of that material.

9040. Is not a great deal of this a sandy district, where it would be difficult to find material for metalling roads?

There is no sand at all; it is all good hard country; sand is not to be found till you get a good deal north of Malwa, in Rajpootanah.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next,
Two o'clock.

APPENDIX.

LIST OF APPENDIX.

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Appendix A.

(Referred to in the Evidence of Lieutenant-Colonel John Pitt Kennedy, Quest. 7565, p. 14.)

ROAD-MAKING IN THE HILLS.

Appendix A.

Principles and Rules, having special reference to the New Road from Kalka *viâ* Simla to Kunawur and Thibet. By Major J. P. Kennedy.*

No. I.—Principles laid down by Major J. P. Kennedy, for the guidance of all persons engaged in constructing the Road from Kalka, through Simla, to Kunawur and Thibet.

Every road should have its line as level, and its surface as hard, smooth and non-elastic as circumstances, under the most scientific management, will allow.

The subject of road-making may be divided into two general branches:—
First.—The laying out of the line.
Second.—The construction of the road.

Laying out of the Line.

When the grave charge of initiating the improvement of a district of country, by the construction of roads, is committed to a man of judgment, his first care will be to consider the features of the country, not only within his immediate charge, but far beyond those limits.

He should divide his road projects into three distinct classes. The first and most important containing the lines of general intercourse; the second containing the roads for merely local objects, and communicating with those of the first class; and the third, containing the farm roads communicating with those of the second and first. He should not, upon any account, permit the perfection of his roads of the first class to be in the slightest degree injured for the benefit of those of the second or third classes. His great lines of intercourse must be laid out solely with reference to the general levels of the country, and to the permanent markets, to which producers may afterwards have to convey their goods. If he think only of his own little district at this point of his operations, he will materially injure it, as in that case his general lines will probably not be such as to invite general traffic, and the mercantile interests of his district will be proportionally impeded. The co-operation of the circumjacent neighbourhood is essential to the improvement of any given spot of country, and must be earnestly sought for. Keeping these considerations constantly in view, we may now proceed to the rules applicable to all branches of laying out; viz.:

1st. That the line must never rise or fall unnecessarily; it must go round, or cut through impediments.

2d. That the quantity of ascent or descent, when such is unavoidable, should be divided uniformly over as long a distance of the line as the nature of the ground will permit, and thus the inclination at each particular part will be reduced to the smallest possible rate.

We should recollect that the loads carried along roads must be small in proportion as the inclination of the hills is great; that the steepest hill, in fact, regulates the load.

We must never forget, in laying out a line of road, that on an inclined plane or hill, of which the surface is hard and smooth, when any power holds a heavy body in equilibrium, the power exerted will have the same proportion to the weight as the height of the plane or hill bears to its length; and secondly, that whilst the effect of the load increases, the power of the animal employed to draw it diminishes in proportion as the degree of inclination increases. These two facts should never be absent from the road-maker's mind.

When this subject is fully understood, it will be evident that the ignorance of a person who undertakes to lay out a road may, and very often does, make the transport of commodities amount to many times what it should cost. There is little doubt that the greater number of the hills we generally find on roads might have been either wholly avoided, or their inclination very much diminished, by judicious laying out; and the greatest evil is, that the only wise remedy for such blunders is to make a new piece of road where they exist, and if they are numerous, to change the entire line. The common mode of correction is to cut down in some degree the hill, and to fill up a little the hollow; but this method rarely reduces the inclination as low as the natural features of the ground would allow; and

Appendix A.

and it generally costs much more than would be necessary to put the road in its right place by laying it out afresh.

The correction of hills on old roads has been alluded to here, to show the importance of extreme accuracy and sound principles in selecting an original line. Every Superintendent will now understand that if an error be made, it cannot be thoroughly remedied without abandoning that portion of the road where it exists, and taking up a new line, thereby losing the capital already invested, and injuring the speculators whom the road may have brought there; but if there be an error of construction, as for instance, the use of soft materials instead of hard, or the like, all this can be set right without abandoning the old line.* The power of getting level roads by cutting through hills and filling up hollows is not disputed; and in laying out a line of railroad this method must be adopted, because the velocity of the steam-carriage will not allow of such rapid curves as a road must take which follows the natural inflexions of our hills; but the expense of such cuttings and embankments is so enormous, that to think of them for the ordinary roads would be quite out of the question. Our necessities frequently require that farm roads should be made, that roads for approaching minor villages, &c. should be made, and that extensive districts of almost unexplored countries should be intersected by numerous lines of general communication. If a costly kind of road be attempted in such cases, the necessary results cannot possibly be produced, because the necessary funds could not be provided; still it is essential that as accurate a regard should be paid to their laying out, as if they were to be immediately constructed on the most perfect models, and that the levels be the very best that the nature of the country will admit of. We must provide from the commencement that every successive operation shall tend to bring them ultimately to a state of the very highest perfection, and that nothing shall ever have to be undone.

False ideas of economy and inadvertence frequently lead to the employment of men who do not understand the principles of these essential operations, although they attempt to execute them, and hence the eternal toiling up and down hill to which they, their neighbours, the public, and future generations are condemned. Most amateur artists are time-killers and money-wasters; but of all the amateurs in the world, the road-maker is the most mischievous; there is no method of avoiding his ingenious contrivances to harass the weary traveller and reduce the profits of industry.

The first thing to be done, when it is determined to open a road between any two points, if they be distant, is to get the maps of the adjacent country, and to become thoroughly acquainted with every inch of the intervening ground in all directions, particularly the course of rivers.

If it be a hilly country, the greatest possible attention must be given to choose the most convenient passes of mountains with reference to their height, and the highest passes of valleys which, in all cases, must be considered as obligatory points of the line. The selection of these, therefore, is to be considered the first and most important point of laying out, and nothing short of mathematical proof of their superiority to all other points ought to satisfy the Superintendent that he has selected the right points.

It is much to be regretted that the Survey Department of India has not furnished the public with that most important class of information, a contour delineation of the hills; the want of which must be remedied by increased industry in all those who are engaged examining the country with a view to the selection of the line.

The most disadvantageous circumstances under which it can be required to lay out a line of road is, where the direction runs at right angles across a line of hills, to the passes of which there are no convenient approaches by means of under-features; this obliges us to resort to the expedient of zig-zags. There is no difficulty in laying out such a road to any required degree of inclination; but when done, it is always dangerous, as it is not possible to avoid very acute angles, which on a declivity are most objectionable. If an animal run away with a carriage in descending such a road, the first turn he reaches will probably finish the mortal career of the whole party.

The rule in such a case must be, to make as few turns as possible; and in general, there need not be more than one on each side of the mountain.

Having obtained a knowledge of the relative heights, as above described, both from maps and by taking lines of section with the level, and having thus selected all obligatory points, we may now proceed to the operation of marking out the exact line between all the points thus selected. This is done by fixing up pickets with flags attached, in the required slope, by means of either the plummet-level or a spirit-level, having a graduated vertical limb. These flag pickets may be placed at intervals of about 100 yards, more or less, according to the bends in the hills, taking care that one is put at every projecting and every retiring angle of the ground, and that from each picket the one on either side is distinctly visible. We proceed thus until the whole line is picketed off, observing to correct this line, if requisite; and it rarely happens that the pickets can be placed precisely in their right permanent position at the first trial.

Having got the long pickets accurately placed, the ground should be distinctly marked at each picket by cutting a cross, or some other convenient sign; and the second operation must be commenced by placing short pickets with the boning rods at intervals of about eight yards between the long pickets.

Third operation. Having placed the short pickets, long lines are then laid to the foot of the pickets, taking care that the lines run round all obstacles, and not over them. When these lines are fixed, some expert labourers, accustomed to the work, may be placed to cut out the lock-spitting exactly to the level of the line.

This

This operation should be done with great accuracy, that there may be no necessity for correction afterwards; and handy men, accustomed to the work, should be employed in lifting the lines and laying them again, as the lock-spit cutters proceed. This lock-spitted line being the sole regulator of the levels, must be examined, and re-examined to ascertain that in every part it has been accurately cut. The person charged with such a work must not spare himself at this point upon any account. Let him then bring every one whose opinion is worth having in the neighbourhood, to visit and criticise what he has done; let him reflect that, by any idleness or stupidity on his part, he passes sentence upon countless generations to suffer inconvenience and unnecessary toil for his omissions. The lock-spitted line, when completed, is not to be considered as anything but a gauge for the general level of the surface of the road. It is not the centre, as some suppose, although, upon a general principle, the nearer the centre line comes to it the cheaper will be the forming of the road, and the more we diverge from it the more costly it will be where the features of the country are of a hilly character.

With the completion of the above described lock-spitted mark, neatly cut along the whole length of the projected road, we shall consider the business of laying out the line to have been executed; and in order the more clearly to separate this most important operation from all others, we shall consider the subsequent picketing, ruttings and marking off the details, as appertaining to the subject of construction.

The average cost of cutting this gauge-line or lock-spit, independent of the preparatory surveying and superintendence, ought not to exceed 4 *s.* or 5 *s.* per statute mile; that is to say, for the actual pay of the labourers employed to execute it; and when completed, it ought to exhibit a perfect level or a perfectly uniform incline between every two of the obligatory or main points, and following every horizontal inflexion of the ground, it ought to stand the test of any instrument, and be pleasing to the eye. The want of accuracy in the laying out of public undertakings is the source of that constant doing and undoing, or playing at blind-man's buff with the work, which we so often see; doubling or quadrupling the proper cost, and leaving most discreditable results. The economy and perfection of the work will be in proportion to the judgment and accuracy applied in the laying out and making of this gauge-line, as it gives us the key by which to regulate, with the utmost precision, every subsequent effort of every labourer we employ, and to point out where every spadeful of excavation is to be dug, and permanently deposited with the smallest amount of exertion. We shall next proceed to the subject of

Construction.

As soon as the lock-spitted gauge-line shall have been well considered and criticised, and all necessary corrections completed, it may be widened into a 5-feet track. The next operation is to fix the pickets for the centre of the road.

This will regulate, first, the cost; and, second, the appearance of the work when complete. We must avoid objectionably sharp turns; but we must also studiously avoid heavy cuttings and fillings, and we must make our curves regular. These three points can generally be combined; and they must be combined, otherwise the Superintendent cannot be qualified for his charge. He should never have his eye off the gauge-line, and as each picket is placed, it should be accompanied with a mental calculation as to the quantity of cutting and filling, and consequent cost it will require to bring the road at that point to its proper width and to the level of the gauge or lock-spit. He will bear in mind, that as often as he can place a picket exactly at the lock-spit, without infringing on a principle, he should do so, as then the forming of the road will cost the least possible sum; unless when he has to deal with rock, which requires blasting. He must at all times think of his finances, taking care that the amount of money or labour estimated for the work shall be made to complete it, and he will be justly culpable if it fall short, as this consequence is very rarely attributable to any other cause than unfitness in the Superintendent. The wrong placing of a few pickets may cause a piece of work to cost double or tenfold, nay, a hundred times more than it should cost; and it is clear that the man who can perform the most perfect work at the cheapest rate must at all times earn character in proportion. It is evident that there may be a very great variety of curves made for rounding off the angle which the lock-spitted gauge-line forms in passing a valley or ravine, and that the more the curve is carried out from the angle the better will be that particular part of the road; but it must be recollected that the slight improvement thus effected on one spot is attended with most disproportionate cost; and if a man, deficient in judgment, be placed in direction of such works, he may use very fine arguments as to the utility of gradual curves, and the like, but the result will be, that instead of succeeding to fulfil the object of his employer, by opening in its full length a useful line of intercourse, he will find all his money expended on two or three fantastical embankments. He will leave the district as closely sealed up as he found it, and his employer will be justly disgusted with such costly enterprises. If he desire to serve himself, and to be useful to his neighbours, he will follow, as nearly as possible, the natural features of the ground, unless when there is the most indisputable reason against this; and keeping a watchful eye upon the money chest, he will never sacrifice the general result to any chimera whatever. This cutting and banking mania is the grand source of wasteful expenditure in the construction of our roads.

If, instead of going uniformly along the side of a hill, and making our road with the minimum of cutting and filling; if, instead of this, we seek to torture it into straight lines, still

Appendix A.

still keeping to certain predetermined levels, the line of road must be a succession of deep cuttings and high embankments; costly at first, and costly to the last, from their liability to dilapidation.

As soon as the centre line shall have been cautiously picketed out, all the side lines must be measured from it and distinctly rutted out upon the ground, taking care to lift the several shear-sods. These lines will show the verges of the road, the inside and outside of the fences when such are made on the road, and the width of the water-tables, as well as the position of the catch-water drains. Accurate *bonings* must be put in at every picket in the centre line, which will thus be level with the opposite points of the lock-spit gauge, and a correct longitudinal section must be made up between these pickets.

Cross-section lines should likewise be made up to the intended level of the road at every 100 yards, showing the precise fall that the road is to have from the centre to each side, when formed. But in making up longitudinal and transverse sections, it is necessary to observe whether the soil be of such a nature as to answer for the soling, or whether it be of so defective a quality as to require a superstratum to prepare it to receive the broken stones or surface gravel; and a corresponding distinction should be made as to the height to which the section lines should be raised in different places. If the natural soil be of the right quality for soling a road, it would be an unpardonable waste to require that more of the same description of material should be excavated elsewhere, and brought upon it, although we have known such surprising extravagance set forth in specifications. The cross-slope given to a road should vary according to circumstances. If its maintenance and repair be carefully provided for, on level ground a fall of 1 in 24 from the centre of the sides will be sufficient. If there be any doubt as to the future care, the best precaution is, to increase the cross-slope as a security against surface-water, and in all cases it is well to make the cross-slope somewhat greater on declivities than on the level ground, in order that the path of all surface-waters may be directed in the shortest lines to the water-tables; under these different circumstances, the cross-slopes may be made to vary from 1 in 24 to 1 in 12, and they should be accurately proved by the section level.

It is well to know that some authorities on this subject have recommended the cross-slope of roads on declivities to run the whole way from the outside verge to the inside, whilst others advise just the reverse, and not from the centre to each side. The chief object of the first recommendation is, to prevent the corrosion of the outside verge by the surface-water, and that of the second to prevent any accumulation of water in the water-tables, but they both appear to be most objectionable in practice, as they necessarily throw every carriage off its level, and bring an unequal portion of the load on the wheels of one side. They also give a longer run to the surface-waters on the road. No professional man should permit so serious an inconvenience to be inflicted on the public. His ingenuity ought to provide a remedy of a different kind. As soon as the longitudinal and cross-sections have been made up to the right level, the work may be considered in a state to employ large orming parties, who, after this preparation, can scarcely commit errors, if there be any degree of activity in the overseers.

When the road is constructed upon level ground, it is desirable to make two side fences with water-tables outside of these; when it is on sloping ground, one side fence will suffice, the cut face of the bank forms the other.

It is evident that on sloping ground, the Superintendent who desires to execute his work with economy must use every exertion to provide that the quantity of cutting shall, as nearly as possible, agree with the amount required for filling, that he may not be obliged to carry materials either to or from the place where he works.

The materials used for fences, retaining embankments, &c., will depend upon the nature of the soil in a great measure; and the best proof of skill, in this or any other art, is the power of making the most possible out of the circumstances in which we are placed. The man who cannot supply himself from his own vicinity, would fail if he had Guernsey granite and mines of gold at every perch of his progress. When the soil is stony, the fences and faces of embankments would naturally be made of this material, and, when built dry, they should have a slope of one-fourth of their height. If sod work be used, the slope should be increased to one-third of the height; and when a bank of earth or other material is faced without being supported, the slope will depend on the quality of the soil, observing to give the greatest slope to the most friable soil, and it is for the Superintendent to observe the natural slope at which each kind of earth will continue. The best soil that we can meet with in constructing roads is gravel; because, in the first place, it has natural drainage; secondly, when the road has been formed in such a soil, it is both soled and metalled, unless the traffic be of a very heavy description.

In making a road through any spongy or soft soil, it is well to let the work season, after the general drainage and forming have been effected, before proceeding further. When embankments are filled up, a considerable allowance must be made for sinking, and after allowing them to season, they should be again levelled up, If these points be not attended to, or if the work be hurried over, it will look well at first, but afterwards it will show many inequalities and defects that might have been avoided.

The liberal use of a heavy roller is an excellent way of consolidating the surface of a new road, preparatory to opening it to the public, and the difference in the quality of both gravel and stones should be well understood by every road Superintendent. Some stones can be broken with more profit to the workmen at one anna per ton, than others at six annas, and where heavy carriages are in use, the low-priced stone is in general the more costly in the end.

end. We must recollect that the price of breaking the stone forms but a portion of the cost of metalling a road, and the most durable material to be had within any rational limit, as to cost, is at all times the most desirable. Contracts for stoning, therefore, should always specify the precise kind of stones required, and from what quarries they are to be taken; and no one can be considered properly qualified for superintending such works as we are now considering, unless he have acquired a thorough knowledge of the several varieties of rock common in the country, with the different qualities and properties peculiar to each.

When we estimate the cost of a new road, we should divide the whole into three very distinct general heads. The first may include all the expenses of surveying, laying out, forming, draining, fencing, soling, gravelling, and all else preparatory for the stoning. The second head should show the cost of the stoning or metalling, and should detail minutely the quality of the stones required, and the quantity per perch; allowing a larger dimension to the broken stones in the bottom, and a small dimension at the surface. The third, the cost of the masonry, bridges, pipes and tunnels, if any.

It is extremely essential to separate thus the great heads of expense, in order to enable *all persons* to understand the way in which the total cost is made up on different descriptions of work, and, as it were, to get rid of that professional mystery which is generally made to envelope every thing relating to the expenditure of money.

The details here included under the first head are such as are required, with but little variety as to their application, in all projects for new roads, and their cost may be made to vary from 100 to 600 rupees a mile, according to the peculiarities of soil in which we are working. The second head or metalling may be either wholly omitted in certain cases, or it may be adopted to any degree that the circumstances render necessary. For instance, three tons of tender stone, at one or two annas a ton, may be thought applicable for the exigencies of one case, when in another it might be indispensable to apply 12 tons to the perch of the hardest stone to be had, at a cost of perhaps six or eight annas per ton; thus, making the rate for this branch of cost vary, from three or four annas, to 100 annas the perch, according to the means applicable for the construction, and the intensity of the traffic to be expected. The third general head, including pipes and masonry, is also capable of being effected in various degrees of excellence, and at proportional rates of cost, which can only be regulated by comparing the necessity of the work with the funds applicable for its construction.

(signed) J. P. Kennedy, Major.

Simla, June 15, 1850.

No. II.—Hindostan and Thibet Road.

Rules for Superintendents, Overseers, &c.

Officers employed on the survey of the line are to send in reports of their observations at least once a week, addressed to Major Kennedy, at Simla: these reports to be accompanied by sketch, plans and sections. The plans to be on a scale of two inches to one mile. The section horizontal scale to be likewise two inches to one mile, and the vertical section 200 feet to one inch.

2. The maximum incline is not to exceed 3 in 100, or 1 in 33⅓; and every exertion must be made to keep the inclines as much as possible *below* this maximum.

3. The whole line is divided into Superintendent's divisions, and each division to be designated by a letter.

4. The point from which all measurements are to be taken is marked by a picket sunk opposite Mr. Vivian's house, in the Simla bazar.

5. The first division, commencing southward, is denominated the A., or Krole division; the second B., or Simla division; the 3d C., or Mahassoo division; the 4th D., or Muttiana division; the 5th E., or Kotegurh division; the 6th F., or Teranda division; the 7th G., or Chini division; and so on to the end of the line northward.

6. All reports to be made on foolscap paper, and marked at the head of the report with the divisional letter, to which the portion of the line it refers belongs, as well as the territory. It will be folded in four, and docketed on the back by the officer who sends it with the divisional letter, and the substance of the report.

7. All officers will be expected to keep copies of their reports, plans and sections, for the convenience of future reference.

8. All officers employed in surveying the line, as well as officers in charge of divisions, and overseers in charge of sections, and also assistant overseers, will be required to make themselves thoroughly acquainted with the printed paper, containing the "principles of laying out and constructing the works," that a uniform practice may obtain throughout.

9. The working parties are to be kept under the superintendence of their respective mates, and

Appendix A.

and each sapper overseer is to be appointed to his distinct and separate charge, consisting of one or more mate's parties, according to the strength of the whole party, as shown in the following Table:—

Composition of an Overseer's Party for working a Section of 10 Miles of the Line. Two or more Overseers' Sections to constitute a Superintending Officer's District.

SAPPERS.		MATES AND LABOURERS.												REMARKS.
Overseer in Charge of Section.	Assistants in Charge of Sub-Section.	When Working Single Force.		Double Force.		Triple Force.		Quadruple Force.		Quintuple Force.		Sextuple Force.		
		Mates.	Labourers.	Mates.	Labourers.	Mates.	Labourers.	Mates.	Labourers.	Mates.	Labourers.	Mates.	Labourers.	
	1	1	50	1 1	50 50	1 1 1	50 50 50	1 1 1 1	50 50 50 50	1 1 1 1 1	50 50 50 50 50	1 1 1 1 1 1	50 50 50 50 50 50	
	1	1	50	1 1	50 50	1 1 1	50 50 50	1 1 1 1	50 50 50 50	1 1 1 1 1	50 50 50 50 50	1 1 1 1 1 1	50 50 50 50 50 50	
	1	1	50	1 1	50 50	1 1 1	50 50 50	1 1 1 1	50 50 50 50	1 1 1 1 1	50 50 50 50 50	1 1 1 1 1 1	50 50 50 50 50 50	
	1	1	50	1 1	50 50	1 1 1	50 50 50	1 1 1 1	50 50 50 50	1 1 1 1 1	50 50 50 50 50	1 1 1 1 1 1	50 50 50 50 50 50	
	4	4	200	8	400	12	600	16	800	20	1,000	24	1,200	

REMARKS.

This composition of the working parties will enable one Sapper Company to furnish overseers for 10 divisions, extending over about 200 miles. It gives us the power to employ efficiently under them from 2,000 to 12,000 men a day.

Until the line is opened to six feet wide, the pickets showing each man's working ground must be placed, when working in clay or gravel, at seven yards apart, and in rock at two yards apart.

A party working in double force would thus cover upwards of 1½ mile in clay, or about half a mile in rock work; and it is probable that the double force would, in the first operation, be better looked after than a more extensive party. Working our 10 divisions at double force would give us 4,000 labourers. When the widening of the road to its full extent commences, wall building, &c., then the larger forces may be called in with profit.

One of the Assistant Overseers should always be a miner.

10. During the rainy season the working hours must depend upon the weather, the overseers using their discretion as to the hours for meals. When the weather, however, is fine, every party must be at work at 6 o'clock A.M., the dinner hours to be from 11 till 1, and to leave off work at 6 P.M.

11. As much waste of time occurs in mustering large parties of labourers, when this is not done with care, the overseers are required to put the men at once to work under their respective mates, at the established hour for commencing. The chief overseer will then immediately go round and muster each mate's party separately, noticing the absentees. Thus only one mate's party at a time will be diverted from work for this object.

12. A daily report in the following form will be sent from each party, showing the number of those present, and the quantity of work done during the day, as well as the total number of days' work from the commencement, and the total work done in the section.

Section Division Road Report, day of 1850.
(Territory of)

	Serjeants.	Corporals.	Native Officers.	Native Non-commissioned Officers.	Sepoys.	Mates.	Coolies.	Total.	Road opened in Yards.			Remarks.
									Lockspitted.	To 5 Feet.	Road completed.	
Total brought forward from commencement of work -												
On day of 1850												
Total - - -												

Examined, ——————— ———————

In charge of Division. Overseer in charge of Section.

These

These reports will show the mileage cost in labour at which each overseer is performing his work, and will afford a good comparative scale of the value of each overseer, and the names of those whose efforts prove them to be most deserving will be forwarded for the favourable consideration of Government.

13. Before the parties are dismissed in the evening, every mate must be informed of the precise point where his squad is to assemble on the following morning.

The distribution of the men, by assigning to each a regular portion of work, marked off by pickets, and sufficient to occupy him for the day, is the most important duty of the overseer and his assistants. By this method a fair principle of task-work can be established; and there is no other remedy against idleness, and consequent waste of the public resources. The omission of this practice frequently makes public works cost from 10 to 20 times the proper amount; and every superintendent and overseer employed in the present works will be held strictly responsible for the execution of this essential rule.

14. The breaking of tools is entirely attributable to the carelessness of the superintendents and overseers, by allowing the weaker tools to be applied to the work of stronger ones. The pickaxe and the hoe are frequently destroyed by attempting to remove heavy stones with them; a labour which ought to be reserved for the crowbar, the sledge and the wedge.

15. The present deficiency of crowbars, sledges, mining tools, &c., will gradually be remedied. In the meantime, overseers must employ the weak tools at the clay and gravelly portions of the work, where, after a 5-feet track has been completed, with convenient passing places 12 feet wide, the width of the road may then be generally increased to 12 feet, with passing places of 18 feet wide at salient and re-entering angles of the ground, and at other convenient places.

16. The ultimate width of the road may be considered at 18 feet throughout, with the exception of difficult cliffs, where the width of 12 feet will suffice. In every part of the road, a retaining wall on the side of the precipice will be requisite to completion, with a parapet raised two feet three inches above the road level. Small weep holes, four inches square, to be constructed under the parapet for the escape of the surface water, at every 50 feet.

17. At every re-entering angle of the ground, and at distances not exceeding 100 yards, substantial cross-drains must be made under the road, of ample dimensions, to carry off all the water that can be expected in the heaviest rains, and in no case are these drains to be of smaller dimensions than four feet high on the outside, and two feet wide, which is sufficient to admit a man to clean or repair them.

18. Great care must be taken in preparing sound foundations for all walls which, when built dry, as retaining walls on the outside or precipice, should have a slope of one-fourth of their height, and a thickness, at their foundation, not less than one-fourth of the height, plus two feet six inches. These retaining walls it is not desirable to make generally more than four feet high, exclusive of parapets, although many emergencies will render much higher walls occasionally requisite.

19. In opening the first five-feet track, where very difficult cliffs occur in the line, temporary tracks may be made, either above or below the proper level, as the nature of the case may permit, taking care, after passing the obstacle, immediately to regain the proper level. By this means an immediate passage can be obtained long before the permanent passage could be made in its proper position. And it is desirable that such temporary passages should be above rather than below the proper level, because, in that case, the progress of the permanent track in its proper position along the cliff will not be impeded by persons passing on the temporary track. These temporary tracks should be suitable for the passage of mules, and they may, in many cases, be made to occupy either the brow of the cliff, which shall ultimately be worked down to the road level, or the foundation of a wall to be subsequently built up to that level.

Simla, June 15th, 1850. (signed) J. P. KENNEDY.

Appendix A.

No. III.—LABOUR WORKS DEPARTMENT.

Section Division, HINDOSTAN and THIBET Road Return of Labour for the Month of 1850.

Trades.	Names.	Month of 1850.																														Pay Department.			
																															Total Time Days.	Daily Pay in Annas.	Total Amount during Month. Rupees.	Annas.	Pie.

We, the undersigned, hereby certify that the persons above-named have been present at work for the time specified opposite their respective names.

Overseer in charge of Section.

Superintendent in charge of Division.

I certify that I have paid to the several individuals above-named the sums opposite their names.

Accountant's Pay Clerk.

We certify that the several individuals in the above list were paid the sums opposite their names in our presence by Mr. ———— Pay Clerk.

Overseer of Section.

Superintendent in charge of Division Work.

FORM of REQUISITION for TOOLS and MATERIALS.

REQUIRED for use at the tunnel on the Hindostan and Thibet road :—
5 seers steel,
4 seers iron,
1 dubba oil.

Simla, 25 September 1850. W. NAPIER.

(Approved) J. P. KENNEDY.

Received the above articles, W. NAPIER.

FORM of BILLS for TOOLS and MATERIALS.

Dr. The Honourable East India Company.

FOR materials on account of the Hindostan and Thibet road :—

			Rs.	*a.*	*p.*
5 seers steel, at	per seer	- - - - -	0	0	0
4 seers iron, at	per seer	- - - - -	0	0	0
1 dubba oil, at	per seer	- - - - -	0	0	0
		TOTAL - - - *Rs.*	0	0	0

September 25, 1850. (signed) A. B., Merchant.

Certified that the above weights and prices are correct,
September 25, 1850. (signed) T. GRAHAM, Accountant.

Received the amount of the above bill in Company's rupees —— annas —— pies ——
(signed) A. B., Merchant.

Certified that the above sum was paid in my presence,
September 25, 1850. (signed) C. D.

APPENDIX B.

(Referred to in the Evidence of Colonel DUNCAN SIMS, Quest. 8770, p. 71.)

Appendix B.

REPORT from BOARD of PUBLIC WORKS, on the Experiment of employing Convict Labour in the Construction of Public Roads.

No. 707.—DEPARTMENT of PUBLIC WORKS.

LETTER from Captain J. H. BELL, Secretary to the Board of Revenue in the Department of Public Works, to the Chief Secretary to Government.

Sir, Madras, 15 October 1846.

Para. 1. THE Board of Revenue direct me to request you to submit to the Most noble the Governor in Council the accompanying Tabular Statement of the expenditure incurred on the High Western Road during the whole period that convicts were employed on it, from February 1838 until the 7th October 1844, together with the letter with which it was forwarded by Captain Worster, the Superintendent of Government roads.

Dated 17 July 1845.

A.

2. This statement shows the expense in each month throughout the period, and exhibits, in a convenient form, a summary of information regarding the cost of the work.

3. The total amount accounted for in it is *Rs.* 10,04,760. 1., and may be classified generally as follows:—

	Rs.	*a.*	*p.*	Total Convict Expenses. *Rs.* *a.* *p.*
Hire of carts and workmen, and cost of materials, paid for - - - - - -	4,36,609	4	6	
Food and clothes of convicts - - -	2,66,576	11	1	5,28,296 3 7
Medical attendance, guards, batta, &c. -	2,61,719	8	6	
	Rs. 9,64,905	8	1	
Superintendence and Office Establishment -	39,854	8	11	
	Rs. 10,04,760	1	–	

4. Captain Worster has appended to the abstract of expenses a valuation of the earthwork, bridging, metalling, &c., the total of which he makes to be *Rs.* 8,53,474. 12. This is assumed as the amount which the work would have cost had it been executed by free labour; although it cannot be asserted that the valuation is absolutely exact, it must be very nearly so, for the quantities are taken from true measurements, and the prices are about the same as those that are charged for work of the same kind in the districts through which the road passes.

	Rs.	*a.*	*p.*
*	4,36,609	4	6
†	8,53,474	12	–
	4,16,865	7	6

5. The sum* paid for carts hired, workmen and materials, being deducted from this † leaves *Rs.* 4,16,865. 7. 6. for the value of the convicts' labour, and when this again is taken from *Rs.* 5,68,150. 12. 6., which is the total of convict expenses and superintendence, the remainder is found to be *Rs.* 1,51,285. 5., which is the uncompensated cost of the convicts. About 1,500 on the average were employed during 66 months, and 900 for 16 months; and from this it follows, that when they were employed on the High Western Road, each prisoner cost the State only *Rs.* 1. 5. 4. per month.

	Expense.	Work.
	Rs.	*Rs.*
1838 - -	1,49,366	
1839 - -	2,75,193	
	4,24,559	3,07,925
1840 - -	1,94,410	1,64,854
1841 - -	1,46,258	1,59,399
1842 - -	1,21,471	1,08,855
1843 - -	79,638	75,933
1844 - -	38,422	36,508
1840 to 1844 -	5,80,201	5,45,549

6. In the margin the expense in each year is compared with the value of work done, and from this comparison it appears that it was only in 1838 and 1839, while the work was yet quite new, and the management not perfected, that this excess of expense above valuation existed to a great extent. For this period there was an excess of 27½ per cent., but in the following years the average excess was only 6 per cent.; the result on the whole affording grounds for the opinion, that the employment of prisoners in this manner almost entirely counterbalances the expense of maintaining and guarding them.

7. The Board do not here intend to offer any opinion on the road as a work of engineering, and still less would they enter upon the subject of the best manner of employing or disciplining prisoners. They are desirous to state the economical result of the great experiment that has been made, and it is satisfactory to find that the labour of the convicts has been very nearly as cheap as free labour, a determination very different from that of the Bengal Prison Discipline Committee, but which does not admit of doubt, and which they believe may be attributed not only to the wholesomeness of the country in which the prisoners worked, but also to able superintendence, and good discipline and management.

8. The number of convicts employed at different periods, and the gaols to which they belonged, are shown in the Statement C.

9. Captain

Appendix B.

9. Captain Worster has made out the statement under twelve different heads; some of these did not come under the control of the Board of Revenue; viz. the military pay and batta of the military and medical officers,* the cost of military stores,† batta to military guards,‡ and medicines.§ All these are charges audited in the Military and Medical Departments respectively.

10. The sums entered as Superintendent's pay and batta,‖ medical officers' head-money and palanquin allowance,¶ batta to apothecaries and dressers,** include such portion of their salaries and allowances as are properly chargeable to the road, but not their military pay.

	Rs.	a.	p.
*	50,015	1	1
†	33,436	14	1
‡	4,414	19	8
§	1,417	7	2
‖	23,334	6	4
¶	23,013	7	4
**	3,667	3	5

11. The head-money was paid to the medical officers on the muster rolls of the convicts attached to their abstracts. The pay of jemidars, overseers, duffadars, maistries and peons, was also passed in the same manner, after examination in this office. The cost of feeding and clothing the convicts, and other expenses, were defrayed by the Collectors within whose districts the work was in progress. The Collectors subsequently furnished the bills to this office, when they were compared with the muster-rolls and accounts of the Superintendent, and from time to time submitted to Government for sanction, as shown in the Statement B., which has been prepared here.

12. The cart hire is the most important item of all, being *Rs.* 4,33,106. 9. 2

13. At first, as ordered in the Minutes of Consultation, No. 1,562, carts were supplied by Collectors at a monthly hire of 14 rupees. The Superintendent afterwards himself entered into agreements with contractors. The rates of hire were reduced to 11 rupees per month; and this was paid only when the proper quantity of material, as agreed upon, was brought from the proper distances, the number of cart-loads demanded per day being regulated by the number of trips. Dated 7 Nov. 1837.

14. Captain Worster, in his letter, observes, that the statement can only be considered an approximation, because certain sums are yet to be deducted on account of arms and stores returned, and articles sold, the value of which has not been ascertained. This affects the statement, however, but very little, as the sum realizable is only about 8,000 rupees. It will have to be carried to the credit of the work, and will reduce the expense from *Rs.* 10,04,760. 1. to about *Rs.* 9,96,760. 1. Dated 17 July 1845.

15. On finally closing the accounts, the discrepancy noted in the Chief Secretary's letter, No. 633, which arose from the Collectors and the Superintendent taking credit for the same expenditures at different dates, has been reduced to *Rs.* 145. 6. 8.,†† in which sum the accounts sanctioned in this department are in excess of those furnished by Captain Worster, and which appears to have been expended since the latter were finally made up. Dated 10 June 1843.

††	Rs.	a.	p.
Sanctioned in this Department -	9,12,128	8	4
Reported by Captain Worster under the same Heads of Expenditure - -	9,11,983	1	8
Difference -	*Rs.* 145	6	8

16. The medical charges are only *Rs.* 28,098. 1. 11., about 5¼ per cent. of the total expense of the convicts, and very nearly 1⅓ rupee per prisoner per year.

17. The superintendence has cost *Rs.* 39,854. 8. 11., about 4 per cent. on the whole expenditure, a charge certainly very moderate; but it may be more correct to state it as a per-centage on the cost of the road, as distinct from that of the prisoners. Taken in that manner, it will be from 6½ or 8 per cent., if the road be reckoned to have actually cost from 50 to 60 per cent. of the total sum entered in the statement.

18. The whole amount of convict expenses, or *Rs.* 5,28,296. 3. 7., might be taken from *Rs.* 10,04,760. 1., the gross total, and the cost of the road stated at 4,76,464 rupees, but that the guards were somewhat stronger than they would have been had the same convicts remained at their gaols, that a greater quantity of daily food was allowed, and that in the neighbourhood of the gaols their work would have been of some little value, while the expenses of medical attendance, and some other items of outlay, were not counterbalanced by equivalent reductions in the expenses of maintaining the establishments at the gaols, whence they were removed.

19. It is believed that the sum of 5,70,336 rupees, derived, as shown in the margin, is very nearly the true cost of the road, and 2,83,138 rupees, which is the difference between this sum and the value of the work done, very nearly the true amount of saving to Government, arising from the convicts having been so employed.

		Rs.	a.	p.
Total Actual Cost of feeding and guarding the Convicts		5,28,296	-	-
Deduct, as extra Expenses chargeable to the Road,—				
One-fifth of the Expense of Food -	*Rs.* 53,315			
One-fifth of ditto of Guards - -	39,191			
One-fifth of Medical Charges - -	9,360			
		1,01,872	-	-
Total Cost of Convicts - - - - - - -		5,28,296	-	-
		4,26,424	-	-
Total Cost of Road - - - - - - -		9,96,760	-	-
Actual Cost of ditto - - - - - - -		5,70,336	-	-
Value of Stores, &c. returned - - - - -		*8,000	-	-
Total Cost of Road - - - - - - -		9,96,760	-	-
TOTAL of the Statement - - - *Rs.*		10,04,760	-	-

20. The

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20. The Board hope that the Most noble the Governor in Council will notice, with approbation, the great exertions bestowed on the work by Captain Worster and his subordinates, Captains Robertson, Jenkins, Burton and the late Lieutenant Slack. Their zeal and industry are especially evinced in the circumstance that no fewer than 392 bridges and tunnels, containing about 8,77,150 cubic yards of masonry, have been built by the convicts. The value of this work, at the usual rates, would be about 1,09,044 rupees, but the expense incurred, in addition to the convict labour, was only *Rs.* 22,813. 12. 10. for bricklayers and maistries, and *Rs.* 3,900. 2. 9. for chunam purchased.

21. Some of the bridges are of considerable size, and they are generally well built, and in good condition, the number of failures and accidents being proportionately very few when it is considered that they were not made by skilful practised workmen, but by fettered convicts, instructed, as the work proceeded, by officers themselves possessed of little experience in the arts of brick-making, lime-burning and building.

22. The wood used as fuel was cut by the prisoners, stone and gravel quarried by them, their tools, stores and fetters repaired under the superintendence of one maistry smith, and many of them became very useful as carpenters and blacksmiths; others were taught to make baskets and ropes, &c., and, as far as possible, the indents on the stores confined to raw material, such as iron.

23. The cost of the convicts who were aged or sick, of those who attended the sick, built and cleaned the temporary gaols and lines for the peons, who dug wells, planted and watered trees, &c, are all charged in the statement; and in comparing the quantity of road work done by the prisoners, it should be taken into account that they did not work on Sundays as ordinary labourers do, and were healthy and well fed and comfortable, so that in these respects few ordinary labourers would match with them. Still there is no doubt that the arrangements made by the officers under whose control they worked were so judicious and well carried into effect as to have secured superior discipline, and a very unusual amount of really hard labour fairly divided.

24. The various reports and letters already before Government render superfluous any particular relation of the progress of the Western Road. In submitting this summary of the accounts of expense attending its construction, it will be sufficient to state that it was ordered originally by Government in Minutes of Consultation, No. 1,562, in which, although the Superintendent was placed under the immediate orders of the Board of Revenue, it was not left to them to instruct him as to the dimensions to be allowed, or the manner in which the work was to be done.

Dated 7 Nov. 1837.

Minute of Consultation, 7 Nov. 1837.

25. These particulars were dictated to him in the orders of Government, and the road was made accordingly, and proceeded without interruption as far as Vellore, 72 miles from the Cooum Bridge, and 82 from the Wallajah Bridge at Madras. This portion was nearly complete at the end of the year 1841, the width of the road being from 24 to 30 feet, and its surface formed of laterile jelly, or gravel nine inches thick. The work was carried on in the same manner, and during the year 1842 was entirely finished to 5½ miles beyond Vellore, and the embankments and bridging partially to Amboor.

26. Early in 1843 the Government determined that the road should not be continued on the same costly scale, and that the work should be confined to partial metalling and the bridging necessary to keep the road passable throughout. From Vellore, therefore, to Amboor, excepting for 5½ miles, a less width and thickness of metalling were applied, the former being from 15 to 24 feet, and the latter four to six inches.

27. During the monsoon of 1843, the embankment was carried on nearly to Vaniembaddy. In this and the following year the whole of the bridges, and most of the metalling, were finished up to Amboor, great part of the road being covered with broken granite or trap rock found in the neighbourhood, and much better calculated to resist the wear and tear of carts and cattle than the laterile used in the parts first constructed.

28. In the early part of 1844 the convicts were gradually removed to other works, as it had been decided not to employ them at a distance from their permanent gaols; and, consequent on orders issued on the 19th August 1844, they entirely left the road, which all had quitted on the 7th October.

29. The road was soon after placed under the superintendence of the Chief Engineer, but before that, an estimate had been made of the sum required to construct the bridges, and metal the surface of the road from Amboor to Vaniembaddy, being all that remained to complete the original design, and the communication with the good road which traverses the Salem district, and leads through Mysore, and by the Sumpajee Ghaut to the sea at Mangalore, forming a grand line from the Presidency of Madras, nearly due west across the Peninsula.

30. Of 126 miles from Madras to Vaniembaddy, only 10 miles remain, and the small sum of 28,811 rupees only is wanted now to terminate a work that would have cost, by free labour, nearly nine lacs, and which will actually have cost less than six lacs of rupees. Neither of these sums can be looked upon as too great, if a little attention be paid to the effect which has been produced by this noble work upon the commerce of the country, and to the convenience which it affords.

31. In

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31. In 1842 the Board reported to Government that 7,000 carts, entering and quitting Madras by the Western Road, passed over the Cooum Bridge in each week, or 1,000 per day. It was well known then that this number was greater than what had been usual before the work began, but, unfortunately, no account had been taken, and an accurate comparison could not be drawn. * It has since been ascertained that the daily average is 1,700.

32. The carts now travel in a day at least 50 per cent. further than they used to do, and this alone is a direct benefit to the community, equivalent to the hire of one-third the number of carts used, or of 566 carts, a sum of 12 rupees each per month, which, in one year, amounts to no less than 81,504 rupees.

33. But there are many collateral advantages. The hire of carts has fallen 25 per cent., although the work done by each pair of bullocks is so much more; and this is not to be attributed entirely to the competition arising from the great demand, or to the greater cheapness of food and commodities in general, but also to the more active employment found by the road being now passable in seasons when it was not so formerly, and when the expense of keeping the cattle was lost from their being idle, and earning nothing during from two to three months in each year.

I have, &c.
(signed) J. H. Bell, Captain,
Sec^y to the Board of Revenue in the D. P. W.

No. 106.—Public Works Department.

EXTRACT from the Minutes of Consultation, under date the 8th June 1847.

Para. 1. The Most noble the Governor in Council has been gratified by the perusal of the clear, concise and interesting report furnished by the Board of Revenue in the Department of Public Works on the High Western Road, and on the expenses attending its formation. This great work occupied nearly seven years, having been commenced in February 1838, and closed in October 1844, by convicts, of whom, on an average, it is stated 1,500 were employed during 66 months, and 900 for 16 months.

2. The total cost has amounted to *Rs.* 10,04,760. 1., of which *Rs.* 4,36,609. 4. 6. were for cart-hire, materials, &c.; *Rs.* 5,28,296. 3. 7. for convict expenses, and *Rs.* 39,854. 8. 11. for general superintendence.

3. It is unnecessary to follow the Board throughout the details given in their report. It is sufficient to observe that the cost of the road, as computed by them, from the value of the materials and workmanship employed, is *Rs.* 8,53,474. 12., obtained at an expenditure of *Rs.* 10,04,760. 1.; that the difference, *Rs.* 1,51,285. 5., the extra expense to which the Government have been subjected, is properly chargeable to the maintenance of convicts, amounting on an average, to *Rs.* 1. 5. 4. per month for each prisoner, and that "the labour of convicts has been very nearly as cheap as free labour." The extra expenses arising from the employment of the convicts at a distance from their gaols is, however, not to be overlooked. The Board advert to the guards being somewhat stronger; to the greater quantity of daily food allowed to the convicts while so employed; the expenses of medical attendance, and other items of outlay, not counterbalanced by equivalent reductions in the expenses of the gaols whence the convicts were removed; and lastly, it must be remembered, that the convicts did not work on Sundays, which alone amounted to 10 months; while the expenses of feeding them for that period were brought to account without any returns. But this is the case also with convicts confined in gaols. Para. 18. Para. 23.

4. The Board, after apportioning the total expenses fairly chargeable to the different heads, compute the cost of feeding and guarding convicts, which would have been the same had they continued in gaol— Para. 19.

To - - - - - - - - - -	*Rs.* 4,26,424
Actual cost of road - - - - - -	5,70,336
Stores returned - - - - - - -	8,000
	Rs. 10,04,760

The difference between the cost of the road, computed from the materials employed, and the actual cost, excluding convict expenses, they observe, is "very nearly the true amount of saving to Government arising from the convicts having been so employed."

5. The Most noble the Governor in Council is of opinion that the calculations on which the Board of Revenue have entered, and the results they have deduced therefrom, approximate as nearly as possible to the truth, and there is reason to believe that had the work been undertaken by free labour, the actual cost, together with the expense of maintaining convicts in the gaols, with the small returns from out-door work on which they are usually employed, and which should at the same time be duly considered, would have amounted to much more.

6. His Lordship in Council has already, in Extract Minutes of Consultation, dated 18 February R. D. 185. Para. 4.

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February 1843, expressed his satisfaction at the "testimony borne by the Board of Revenue to the durable construction of the road," and to its continued and growing influence on the progress of the internal traffic of the country as evidenced by the increased transit of wheeled carriages, the improvement in their construction, and the fall in the rate of cart-hire," and he observes that these results are corroborated by the Report under consideration. His Lordship in Council notices, with approbation, the exertions bestowed on the work by Captain Worster and his subordinates, Captains Robertson, Jenkins and Burton, to all of whom he desires this commendation of their services may be duly communicated.

P. W. D., 16 July 1841, Nos. 1 to 7.

J. D., 18 July 1843, Nos. 3 and 4.

7. The employment of convicts in gangs, at a distance from their gaols, has been peremptorily prohibited by the Honourable Court of Directors and the Government of India, chiefly on account of the sickness and mortality which followed the adoption of a similar plan in Bengal; and the Court of Foujdaree Udalut at this Presidency, to whom a reference was made on the subject, seemed to consider the system one "almost entirely subversive of what is called prison discipline." In this respect, the Madras convicts have been peculiarly fortunate; the several periodical Reports * of the Medical Board, from the year 1839 to 1844, show the general healthiness of the road gangs; of this result, however, various opinions were entertained; but it has been finally agreed † upon, both by the Medical Board and the Government, that this was greatly owing to the "able-bodied men being sent out to be employed on the roads, while the aged and infirm are retained; and those, also, who become sickly and weak are returned to the gaols."

* I. 7 Apr. 1840 - No. 91 K.
23 June 1840 - Nos. 8 & 9.
16 Feb. 1841 - Nos. 3 & 4.
28 Sept. 1841 - Nos. 1 to 3.
15 Mar. 1842 - Nos. 4 & 5.
8 Nov. 1842 - Nos. 13 & 14.
5 Dec. 1843 - Nos. 1 & 2.†
16 Jan. 1844 - Nos. 20 & 21.†
8 April 1845 - Nos. 26 & 27.
4 Nov. 1845 - No. 15.

	Proportion of Deaths to Numerical Strength.	
	Convicts employed on Road Labour.	Prisoners in Gaols.
First half of 1839 - - -	870	2,665
Second - ditto - - - -	500	2,630
First half of 1840 - - -	927	2,743
Second - ditto - - - -	686	3,310
First half of 1841 - - -	500	2,016
Second - ditto - - - -	1,810	2,737
For the entire of 1842 - -	3,302	6,075
Ditto - - 1843 - -	3,474	6,969
Ditto - - 1844 - -	5,166	3,282
Ditto - - 1845 - -	2,610	7,905

8. In their Report for 1844, the Medical Board observe [4 Nov. 1845, No. 15], that "the general health of the prisoners, both in gaols and in gangs, has been remarkably good throughout the year; and the casualties, as compared with 1843, are considerably reduced. The gangs of convicts were much reduced in numbers, and the strength of prisoners in gaols increased in proportion; from which circumstance, the results of the past year do not appear to be so satisfactory, as regards the system of road labour, as they have been for some years past, or during the employment of the large gangs on the Great Western Road: the proportion of deaths in gangs appearing to be increased, whilst the deaths in gaols are diminished, from the inmates of the prisons being no longer composed of the old and sickly, who were unfit to be employed in gangs at hard labour."

9. On the whole, however, the system of employing convicts in large gangs at a distance from their gaols must be regarded to have succeeded in the experiment of the High Western Road; and the results may, as the Board of Revenue observe, in para. 7, be "attributed, not only to the wholesomeness of the country in which the prisoners worked, but also to able superintendence and good discipline and management;" and, with reference to these circumstances, his Lordship in Council proposes to bring the foregoing letter, and observations thereon, under the notice of the Government of India, in continuation of the letter to their address, dated 11th July 1844, No. 126.

10. His Lordship in Council also resolves to call upon the Board of Revenue to furnish a statement, showing the cost of construction per mile of each of the great roads made under their superintendence, such as the Sumpajee Ghaut, the road on which they have now finally reported; part of the High Northern Road, &c. Information of this character, he observes, will serve as a guide for future estimates of the road department.

(A true Extract.)

(signed) H. C. MONTGOMERY,
Sec^y to Government.

To the Board of Revenue, D. P. W.

APPENDIX

Appendix C.

A COPY of the Statistical Papers, illustrated by Maps, relating to India, recently Prepared and Printed for the Court of Directors of the East India Company. Appendix C.

CONTENTS.

NATIVE STATES.

With the exception of the Kings of Ava* and Siam,* with whom the East India Company have entered into diplomatic relations, it can scarcely be said that there remains any independent prince in India, unless it be the Rajah of Dholpore† and the Rajah of Tipperah.‡

The Rajah of Nepaul, though not otherwise dependent, is bound by treaty ‡ to abide by the decision of the British Government in the event of any dispute arising between him and his neighbour the Rajah of Sickim; and he is restrained from employing in his service any European or American subject.

Over all the other native states § in India, the paramount authority of the British power has been established, and the relation of ally has in all cases merged into that of superior and dependant.

Under native rule the efforts of contending princes were ever directed, not to the defence of their own rights and a just limitation of the power of others, but to the total subversion of their rivals, and the absorption of their neighbours' dominions into their own. There was sometimes a dominant power, capable in some degree of controlling the country; but the object of such power was the common one of self-aggrandizement at the expense of all around. Moreover, the authority exercised was, in many cases, little more than nominal, more especially in regard to provinces and states at a distance from the chief seat of authority.

Under the system by which this reign of usurpation, tyranny and anarchy has been superseded, the British Government has defined the limits of the several native states, and restricting each within those limits, secures to all the enjoyment of their just rights.

The means by which these desirable objects have been accomplished are *subsidiary and protective treaties*.

Under the *subsidiary* system the British Government provides a regular military force (special ¶ or otherwise) for the protection of the native state, and the native government defrays the cost. With the states not included within that system, the engagements involve the obligation of protection on the part of the paramount power—allegiance on that of the subordinate. In some instances the dependent state is subject to the payment of tribute; in others it is exempt from any pecuniary claim.

Under both subsidiary and protective treaties, native governments relinquish the right of self-defence, as well as that of maintaining diplomatic relations with other states; and the British Government, which guarantees external security and internal tranquillity, is constituted

* Treaty dated in 1826.

† Under the treaty of 1806, the territories of this Rajah are held by him in absolute sovereignty, free from any right of interference on the part of the British Government, which Government is also thereby relieved from any responsibility as to assistance or protection.

‡ This district bears the same name with one contiguous to it in Bengal, with which it must not be confounded. It lies to the eastward of that part of the British dominions, and is a wild jungly tract, with the ruler of which the British Government have never established any diplomatic relations.

§ Treaty dated in 1815.

‖ A treaty (concluded nearly 80 years since) subsists between the British Government and the Rajah of Bootan, but the country of the Rajah may be considered as connected with Thibet, rather than with India.

¶ Under the stipulations of the treaty with the Guicowar, the subsidiary force to be furnished by the British Government is to consist of 4,000 infantry, two regiments of cavalry, and one company of European artillery. In respect to the Nizam's dominions, the subsidiary force is not to be less than 8,000 infantry, two regiments of cavalry, and a complement of artillery. But in regard to Oude, and most of the remaining subsidiary and protected states, the British Government is bound to the defence of the principality against all enemies, and exercises its own discretion as to the requisite number of troops.

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tuted the arbiter of disputes arising between native princes. In one half of the subsidiary treaties, however, and in the large majority of the protective treaties, the British Government engages to refrain from interference in the internal administration of the native state.* The stipulations in other respects vary in the several treaties and engagements, but a prohibition of the employment of Europeans or Americans is a common article, and one binding the native chief to act in "*subordinate co-operation*" with the paramount power is almost universally introduced into the engagements concluded with protected states.

But though debarred from the exercise of military power in respect to external aggression, the native governments are not prohibited from maintaining a separate military force; in some cases they are required to maintain such a force, and which, in the event of war, is to be available to the British Government † against the common enemy. In some instances the number of troops to be maintained is restricted.

In accordance with what is above-mentioned, the native states become divisible into two classes:—first, subsidiary; second, protected.

The states with which subsidiary alliances have been contracted are ten in number:

Cochin;
Cutch;
Guzerat (territory of the Guicowar);
Gwalior (possessions of Scindia);
Hyderabad (territory of the Nizam);
Indore (territory of Holcar);
Mysore;
Nagpore, or Berar;
Oude;
Travancore.

In the following states, contained in the above list, the charge for the maintenance of the subsidiary force has been commuted by cession of territory to the British Government:

	Locality of Ceded Territory.	Date of Cession.
Guzerat (Guicowar) - -	Districts in Guzerat - - - - -	1805
	Ahmedabad farm, &c. - - - - -	1817
Gwalior ‡ (Scindia) - - -	Upper Dooab, Delhi territory, &c. - -	1803
Hyderabad (Nizam) - -	Northern circars - - - - - -	1766
	Guntoor - - - - - - -	1788
	Districts acquired from Tippoo - -	1800
Indore (Holcar) - - -	Candeish and other districts - - -	1818
Oude - - - - - -	Benares - - - - - - - -	1775
	Goruckpore, Lower Dooab, Bareilly, &c. -	1801

The Rajah of Nagpore, or Berar, in addition to the cession of territory on the Nerbudda and parts adjacent, pays to the British Government an annual subsidy of 80,000 *l.*

The four remaining subsidiary states pay annual subsidy, as under:

Cochin - - - - - - - - - -	£. 24,000
Cutch - - - - - - - - - -	20,000
Mysore - - - - - - - - - -	245,000
Travancore - - - - - - - -	79,643

The British Government has reserved to itself the right, in the event of misrule, of assuming the management of the country in the states of—

Cochin, §
Mysore, ‖
Nagpore, ¶
Oude, ¶
Travancore.**

The

* Some notice of this subject will be found hereafter.

† It may here be mentioned that a *subsidiary* force is composed of the regular troops of the British Government; a *contingent* is a force raised and maintained by the native state, though it may be commanded by British officers.

‡ By the treaty of 1817, funds were set apart for the payment of a contingent to be furnished by Scindia, and commanded by British officers. These provisions were modified by treaty in April 1820, and by a new arrangement in 1836. By the treaty of Gwalior, concluded in 1844, certain districts were assigned to the British Government for the maintenance of an increased force, to be commanded by British officers, and stationed within Scindia's territories.

§ In Cochin, in consequence of the mismanagement of the Rajah, the affairs of the state have been conducted since 1839 by a native minister in communication with the British resident.

‖ In respect to Mysore, the administration was assumed by the British Government in 1834, in consequence of the misrule of the Rajah. The claim of the Rajah to be reinstated was deemed inadmissible in 1847, on the ground of his incompetency to govern.

¶ Oude and Nagpore remain under the government of their respective rulers.

** In 1805 the entire management of the state of Travancore was assumed by the British; but in the year 1813, the minor Rajah, upon attaining his 16th year, was admitted to the full enjoyment of his rights.

The other subsidiary states,—

Cutch, Hyderabad,
Guzerat, Indore,
Gwalior,

are not subject to control in ther internal administration; yet so oppressive in some instances has been the rule of the chiefs, and, in others, so lawless the habits of the people, that the interference of the British Government has been occasionally rendered absolutely necessary, in some of the above *subsidiary*, as well as in several of the *protected* states. Indeed, a clear necessity must be held to confer the right of such interference in all cases, as the prevalence of anarchy and misrule in any district must be fraught with danger to all around it; while its long continuance would lead to the dissolution of the state itself where it prevailed, and consequently interference would become essential to the effective exercise of that protection which the British Government has engaged to afford.

Besides the native states having subsidiary treaties, there are about 200 * others which acknowledge the supremacy of the British Government, and which, by treaty or other engagement, are entitled to its protection. The rulers of these states are of various creeds, as shown in the following list:—

Mussulman;
Hindoo, or orthodox Brahmins;
Mahratta,
Boondela,
Rajpoot,
Jaut,
Sikh,
Bheel.
} all professing Hindooism, with some modifications;

In some of the petty states included in the above enumeration, the chiefs are not absolutely independent, even as to matters of ordinary internal administration. In several states on the south-west frontier of Bengal (Sirgooja, and other districts), civil justice is administered by the chiefs, subject to an appeal to the British agent, while in criminal matters their jurisdiction is still more strictly limited.† Somewhat similar is the position of the southern Mahratta jaghiredars, who are required to refer all serious criminal matters for British adjudication.

In two of the protected states, Colapore and Sawunt Warree,‡ the administration has been assumed by the British Government, and carried on in the names of the native rulers, who are in the position of stipendiaries. In respect to Colapore, the re-transfer of the Government to the minor chief is made dependent upon the opinion which may be entertained by the British Government of his character, disposition and capacity to govern. In Sawunt Warree the heir-apparent, having forfeited his rights, the country, upon the death of the present chief, will be at the disposal of the paramount authority.

In some other states, as those in Kattywar, the Myhee and Rewa Cauntas, and others which are tributary to the Guicowar, or ruler of Guzerat, arrangements have been made, under which the Guicowar abstains from all interference, and the British Government undertakes the management of the country, guaranteeing the Guicowar's tribute. In carrying out such arrangements the British Government has conferred important benefits upon the country by abolishing infanticide, suttee, slave-dealing and the marauding system, termed bharwuttee, § as well as by the introduction of a Criminal Court for the trial of the more serious offences, through the agency of the British resident; the native chiefs of the several states within the jurisdiction of the court acting as assessors.

From the year 1829, when the practice of suttee was abolished throughout the British dominions, the British Government have strenuously laboured to procure its abolition in the native states of India, and to a very great extent have succeeded. This success has been attained without either actual or threatened coercion, resort to such means having been deemed indiscreet and inconsistent; but by vigilant watchfulness for appropriate opportunities, and perseverance in well-timed suggestions, the desired object has been effected in almost every native state where the rite was practised.

* This number does not include the petty Rajahs in the Cossya and Garrow Hills, those of the Cuttack Mehals, or the chiefs in the province of Kattywar. The addition of these would more than double the number given in the text.

† The power of passing sentence not involving the loss of life is exercised by them; but where the punishment is severe, it is under the control of the British agent, while sentence of death can only be passed by him in cases regularly brought before his tribunal; and each infliction of punishment must be included in a monthly report to the Government.

‡ These two states were long convulsed by internal disorders, which at length burst into a general rebellion.

§ Resort to indiscriminate plunder, with a view to extort the favourable settlement of a dispute with a feudal superior.

NATIVE STATES not under the direct Rule, but within the - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL:				Rs.	Rs.
Allee Mohun or Rajpoor Ali -	Central India (Malwa) - -	708	69,384	35,000	12,000
Amjherra - - - - -	Central India (Malwa) - -	584	57,232	1,00,000	35,000
Bahadoorgurh - - - -	North-West Provinces (adjacent to District of Delhi).	48	14,400	1,30,000	- -
Berar (*vide* Nagpore).					
Bhawlpore - - - - -	Cis-Sutlej - - - -	20,003	600,000	14,00,000	- -
Bhopal - - - - -	Central India (Malwa) - -	6,764	663,656	22,00,000	- -
Bhurtpore - - - - -	Central India (adjacent to City of Agra).	1,978	600,000	17,00,000	- -
Boria (*vide* Jabooa).					
Bullubgurh - - - -	North-West Provinces (adjacent to District of Delhi).	190	57,000	1,00,000	- -
Bundlecund:*					
Adjyghur - - - -	Central India (Bundlecund) -	340	45,000	3,25,000	7,750
Allypoora - - - -	Ditto - - - - - -	85	9,000	45,000	- -
Banda - - - - -	Ditto - - - - - -	- -	- -	- -	- -
Behree - - - - -	Ditto - - - - - -	30	2,500	23,000	- -
Behnt - - - - -	Ditto - - - - - -	15	2,500	15,500	- -
Berounda - - - -	Ditto - - - - - -	275	24,000	45,000	- -
Baonee - - - - -	Ditto - - - - - -	127	18,800	1,00,000	- -
Bhysonda - - - -	Ditto - - - - - -	8	2,000	9,000	- -
Bijawur - - - - -	Ditto - - - - - -	920	90,000	2,25,000	- -
Bijna - - - - -	Ditto - - - - - -	27	2,800	8,000	- -
Chirkaree - - - -	Ditto - - - - - -	880	81,000	4,60,830	9,484
Chutterpore - - -	Ditto - - - - - -	1,240	120,000	3,00,000	- -
Dutteah - - - - -	Ditto - - - - - -	850	120,000	10,00,000	- -
Doorwae - - - - -	Ditto - - - - - -	18	3,000	15,000	- -
Gurowlee - - - - -	Ditto - - - - - -	50	5,000	14,000	- -
Gorihar - - - - -	Ditto - - - - - -	76	7,500	55,000	- -
Jignee - - - - -	Ditto - - - - - -	27	2,800	15,000	- -
Jusso - - - - -	Ditto - - - - - -	180	24,000	13,000	- -
Jhansi - - - - -	Ditto - - - - - -	2,532	200,000	6,11,980	74,000
Kampta - - - - -	Ditto - - - - - -	1	300	1,500	- -
Logasee - - - - -	Ditto - - - - - -	29	6,500	12,680	- -
Mukree - - - - -	Ditto - - - - - -	10	1,600	5,000	- -

* The Bundlecund chiefs were reinstated, or confirmed in their possessions, upon the annexation of that province to the British dominions in 1802, when ceded by the Peishwa for the payment of the subsidiary force.

Limits of the Political Supremacy of the East India Company.

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected and tributary - -	- -	30	100	Allee Mohun was formerly tributary to the State of Dhar; but the tribute was ceded to the British Government in 1821, in consideration of an annual payment of *Rs.* 10,000, Indore currency.
Protected by the British Government, but tributary to Scindia.	- -	400	600	The sum of *Rs.* 4,000 per annum is contributed by this State towards the support of the Malwa Bheel corps.
Protected, but not tributary -	- -	70	80	
Protected, but not tributary -	- -	3,127	10,048	
Protected, and bound to maintain a contingent force.	117	442	2,457	Under the treaty of 1818, the Nawaub was to furnish a contingent force of 600 cavalry and 400 infantry; but in 1824 the numbers were reduced to 259 cavalry, 522 infantry, and 48 artillery, and placed under European command. The contingent is exclusive of the Nawaub's troops. There is also a feudal force, consisting of 30 artillery, 200 cavalry, and 1,000 infantry.
Protected, but not tributary -	200	1,500	3,700	
Protected - - - - -	- -	100	350	This State is chargeable with the maintenance of a road-police within that part of the district which is traversed by the high road from Delhi to Muttra.
Protected and tributary - -	18	200	1,200	
- - - - - - - -	- -	- -	75	
- - - - - - - -	69	167	207	The Nawaub is a descendant of the former governors of Bundlecund. He has no hereditary dominions, but enjoys an allowance of *Rs.* 4,00,000 per annum from the British Government, and maintains a military force as here stated.
Protection on the part of the British Government; submission and allegiance on the part of the Native States; non-tributary - - -	2	25	100	
	1	10	50	The Chief of Behut holds the district of Lohargaon from the British Government, subject to a revenue payment of *Rs.* 1,400 per annum.
- - - - - - - -	1	40	200	
- - - - - - - -	- -	50	300	
- - - - - - - -	- -	11	125	
- - - - - - - -	4	100	1,300	
- - - - - - - -	2	15	125	The Jaghiredars of this State relinquished, in 1821, their claim to certain villages, of which possession had been taken by the State of Jhansi, upon payment of an annual tribute of *Rs.* 2,500.
Protected and tributary - -	30	300	1,000	
Protected, but not tributary -	10	100	1,000	
	80	1,000	5,000*	
- - - - - - - -	- -	8	230	The Petty Raj of Doorwae was formerly tributary to the State of Jhansi; but in 1821 it relinquished its claim in favour of Jhansi to certain villages in lieu of tribute, which was calculated at *Rs.* 3,500 per annum.
Protected, but not tributary -				
- - - - - - - -	4	35	257	
- - - - - - - -	3	50	225	
- - - - - - - -	1	19	51	
- - - - - - - -	1	8	60	
Protected and tributary - -	40	200	3,000	The annual contribution formerly made by the State of Jhansi towards the support of the late Bundlecund legion has been commuted by territorial cessions.
- - - - - - - -	—	—	—	
Protected, but not tributary -	- -	14	40	
- - - - - - - -	—	—	—	

(continued)

* A proposal was made to the Rajah of Dutteah, in 1840, to release him from the condition of the treaty under which he is bound to hold his forces disposable at the requisition of the British Government, upon a contribution being made by him in aid of the support of a British local force. The offer was declined by the Rajah.

NATIVE STATES not under the direct Rule, but within the Limits - - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*					
Bundlecund—*continued.*				*Rs.*	*Rs.*
Nowagaon or Nygowan	Central India (Bundlecund)	16	1,800	9,100	- -
Nyagaon	Ditto	30	5,000	10,500	- -
Oorcha or Tehree	Ditto	2,160	192,000	7,01,000	- -
Punna	Ditto	688	67,500	4,00,000	10,000
Paharee or Puharee	Ditto	4	800	800	- -
Puhrah	Ditto	10	1,600	8,000	- -
Paldeo	Ditto	28	3,500	21,000	- -
Poorwa	Ditto	12	1,800	9,500	- -
Sumpthur	Ditto	175	28,000	4,50,000	- -
Surchlah	Ditto	35	4,500	45,000	- -
Tohree Futtehpore	Ditto	36	6,000	36,830	2,650
Taraon or Turaon	Ditto	12	2,000	10,000	- -
Burwanee	Central India (Malwa)	1,380	13,800	30,000	- -
Cashmere (Gholab Sing's Dominions).	Punjab	25,123	750,000	- -	- -
Cooch Behar	North-Eastern Frontier, Bengal	1,364	136,400	1,32,000	66,000
Cossya and Garrow Hills:					
The Garrows	Ditto	2,268			
Ram Rye	Ditto	328			
Nustung	Ditto	360			
Muriow	Ditto	283	65,205	- -	- -
Molyong	Ditto	110			
Mahram	Ditto	162			
Osimla	Ditto	350			
Kyrim, and other petty Chiefs	Ditto	486			
Cuttack Mehals:					
Angool	Cuttack, in the Province of Orissa	- -	- -	- -	1,550
Autgur	Ditto	- -	- -	- -	6,748
Banky	Ditto	- -	- -	- -	4,162
Berumbah	Ditto	- -	- -	- -	1,310
Dhenkanaul	Ditto	- -	- -	- -	4,780
Hindole	Ditto	- -	- -	- -	516
Kundiapurra	Ditto	7,695	346,275	- -	3,948
Neelgur	Ditto	- -	- -	- -	3,617
Nursingpore	Ditto	- -	- -	- -	1,364
Nyaghur	Ditto	- -	- -	- -	5,179
Runpoor	Ditto	- -	- -	- -	1,313
Talchur	Ditto	- -	- -	- -	974
Tiggreah	Ditto	- -	- -	- -	826
Autmallik	Ditto	648	29,160	- -	450
Boad	Ditto	1,377	61,965	- -	750
Duspulla	Ditto	162	7,290	- -	620
Koonjerry	Ditto	5,022	225,990	- -	2,790
Mohurbunge	Ditto	2,025	91,125	- -	1,001
Deojana	North-West Provinces (near Delhi District).	71	6,390	- -	- -
Dewas	Central India (Malwa)	256	25,088	4,00,000	- -
Dhar	Ditto	1,070	104,860	4,75,000	- -
Dholpore	Hindostan (banks of the Chumbul).	1,626	550,000	7,00,000	- -

- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources. Artillery.	Cavalry.	Infantry.	REMARKS.
- - - - - - - - -	4	12	100	
Protected, but not tributary	- -	7	100	
- - - - - - - - -	100	527	7,283	
Protected and tributary -	18	250	3,000	
- - - - - - - - -	- -	- -	50	
- - - - - - - - -	- -	4	90	
Protected, but not tributary	- -	10	50	
- - - - - - - - -	- -	5	40	
- - - - - - - - -	45	300	4,000	
- - - - - - - - -	- -	25	75	
Protected and tributary -	12	20	251	Tohree Futtepore was subjected to tributary payment conditionally, on the relinquishment of the village of Kesirpoora by the State of Jhansi.
Protected, but not tributary	3	5	40	
	- -	25	50	
British supremacy acknowledged; Raja to be assisted in defending himself against his enemies.	1,200	1,972	20,418	The military force of Gholab Sing as here stated is exclusive of an irregular force of 2,500 men, which would be furnished by his feudal chiefs. The Maharajah intimated his intention, in September 1848, of reducing his army in another year.
Protected and tributary -	- -	342	108	Under the treaty of 1773, Cooch Behar pays to the British Government one moiety of its annual revenues. In addition to the troops mentioned under "Military Resources," the Rajah keeps up a police force of 107 men.
Protected, but not tributary -	- -	- -	2,282	Irrespective of a police force, amounting to 215 horse and foot.
- - - - - - - - -	- -	5,000		The Rajahs of the Cuttack Mehals became subject to British supremacy upon the conquest of the Province of Cuttack in 1804. Many years since a Superintendent was appointed, with a view to establish such a control over the conduct of the Rajahs as to prevent the commission of crimes and outrages. The power of the Rajahs and the extent of the interference to be exercised by the Superintendent have not been defined.
- - - - - - - - -	- -	1,500		
- - - - - - - - -	- -	1,500		
- - - - - - - - -	- -	1,500		
- - - - - - - - -	- -	7,000		
- - - - - - - - -	- -	250		
- - - - - - - - -	- -	2,000		
- - - - - - - - -	- -	500		
- - - - - - - - -	- -	1,500		
Protected and tributary -	- -	7,000		
- - - - - - - - -	- -	1,500		
- - - - - - - - -	- -	500		
- - - - - - - - -	- -	300		
- - - - - - - - -	- -	500		
- - - - - - - - -	- -	2,000		
- - - - - - - - -	- -	500		
- - - - - - - - -	- -	15,000		
- - - - - - - - -	- -	8,000		
Protected, but not tributary -	- -	50	150	This Jaghire was conferred by the British Government, partly in 1806 and partly in 1811, and held by the Rajah on condition of military service.
Protected, and bound to furnish a contingent force.	- -	175	500	The Dewas contingent consists of 400 infantry, and now forms a portion of the Malwa united contingent.
Protected - - - -	47	254	798	A contribution of *Rs.* 8,000 per annum is made by the State of Dhar towards the support of the Malwa Bheel corps. A Sebundy force of 200 men is also maintained.
Independent - - - -	40	177	1,000	A feudal force of 150 horse is also at the disposal of the State of Dholpore.

(*continued*)

NATIVE STATES not under the direct Rule, but within the Limits . - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*				Rs.	Rs.
Furruckabad - - - -	North-West Provinces (Lower Dooab).	- -	- -	- -	- -
Furrucknuggur - - - -	North-West Provinces (adjacent to Delhi).	22	4,400	- -	- -
Gholab Sing's Dominions; *vide* Cashmere.					
Gwalior (Scindia's Possessions) -	Central India - - - -	33,119	3,228,512	60,00,000	18,00,000
Hill States:					
Cis-Sutlej:					
Bhagul - - - -	Northern India (Cis-Sutlej) -	100	40,000	50,000	3,600
Bujee or Beejee - - -	Ditto - - - - - -	70	25,000	30,000	1,440
Bejah - - - -	Ditto - - - - - -	5	3,000	4,000	180
Bulsun - - - -	Ditto - - - - - -	64	5,000	6,000	1,080
Bussahir - - - -	Ditto - - - - - -	3,000	150,000	1,50,000	15,000
Dhumie - - - -	Ditto - - - - - -	25	3,000	3,500	720
Dhoorcatty - - - -	Ditto - - - - - -	5	200	400	- -
Gurwhal - - - -	Ditto - - - - - -	4,500	100,000	1,00,000	- -
Hindoor or Nalagarh - -	Ditto - - - - - -	233	20,000	80,000	- -
Joobul - - - -	Ditto - - - - - -	330	15,000	14,130	2,520
Kothar - - - -	Ditto - - - - - -	12	4,000	7,000	1,080
Koonyhar - - - -	Ditto - - - - - -	12	2,500	3,500	180
Keonthul - - - -	Ditto - - - - - -	272	26,000	33,500	- -
Koomharsin - - -	Ditto - - - - - -	56	12,000	10,000	1,440
Kuhloor - - - -	Ditto - - - - - -	150	32,250	1,10,000	- -
Mangul - - - -	Ditto - - - - - -	15	1,000	1,000	72
Muhlog - - - -	Ditto - - - - - -	50	13,000	10,000	1,440
Manee Majrah - - -	Ditto - - - - - -	80	16,720	60,000	- -
Sirmoor or Nahun - -	Ditto - - - - - -	1,075	62,350	1,00,000	- -
Hill States:					
Trans-Sutlej:					
Mundi - - - -	Jullunder Dooab - - -	759	113,091	3,50,000	- -
Sookeit - - - -	Ditto - - - - - -	174	25,926	80,000	- -
Holcar's Possessions (*vide* Indore).					
Hyderabad (Nizam's Dominions)	Hindostan - - - -	95,337	10,666,080	155,00,000	35,00,000*

* The cost of the Nizam's Auxiliary Force.

- - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
-	2	106	294	The Nawaub ceded his hereditary possessions to the British Government in 1802, but he receives an allowance of *Rs.* 1,08,000 per annum, and maintains a military force, as here stated.
Protected, but not tributary	-	-	25	
Subsidiary alliance	314	6,548	2,760	The revenues of Gwalior amount to 60 lacs of rupees per annum, exclusive of the districts assigned for the payment of the contingent force (18 lacs of rupees). The contingent consists of 8,401 men, commanded by British officers. The military force of the Maharajah, exclusive of the contingent, is not to exceed 9,000 men.
Protected and tributary	-	3,000		
Ditto	-	1,000		
Ditto	-	200		
Ditto	-	500		
Ditto	-	-	300	
Ditto	-	100		
Protected, not tributary	-	-	-	
Ditto	-	-	-	
Ditto	-	-	300	
Protected and tributary	-	-	-	
Ditto	-	400		
Ditto	-	-	200	
Protected, not tributary	-	2,690		The Hill Chiefs were confirmed in their possessions at the close of the Nepaul war in 1815.
Protected and tributary	-	1,000		
Protected, not tributary	-	-	400	
Protected and tributary	-	50		
Ditto	-	500		
Protected, not tributary	-	-	-	
Ditto	-	-	400	
Protected and tributary	-	-	500	
Ditto	-	-	300	
Subsidiary alliance; bound to maintain a contingent* force.	-	4,521	12,369	In addition to these troops, the Nizam maintains an irregular force, composed of Arabs, Sikhs, Turks, &c., amounting to 9,811 men. The State is also entitled to the services of 4,749 armed retainers, maintained by the feudal chiefs from revenues assigned by the Government for their support. The total military force of Hyderabad comprises five separate bodies; viz.— 1st. British Subsidiary Force - - 10,628 2d. Nizam's Auxiliary Force - - 8,094 3d. Nizam's Irregulars - - - 16,890 4th. Force of Feudal Chiefs - - 4,749 5th. Miscellaneous force of Arabs, Sikhs, Turks, &c. - - - 9,811 50,172

(*continued*)

* Under the Treaty of 1800, the Nizam's contingent was to consist of 6,000 infantry and 9,000 cavalry; but the *Auxiliary Force*, organized under British officers, and paid by the Nizam, has been substituted for the contingent, and consists of 8,094 cavalry, infantry, and artillery.

The British subsidiary force amounts to 10,628 artillery, cavalry, and infantry.

NATIVE STATES not under the direct Rule, but within the Limits - - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*				*Rs.*	*Rs.*
Indore (Holcar's Possessions) -	Central India (Malwa) - -	8,318	815,164	22,17,210	- -
Jaboaa - - - - - -	Ditto - - - - - -	1,348	132,104	1,44,536	39,000
Borai or Boree - - -	Ditto - - - - - -	Included in that of Jaboaa.	Included in that of Jaboaa.	14,000	- -
Jucknowda - - -	Ditto - - - - - -	ditto	ditto	10,000	- -
Jhujur - - - - - -	North-West Provinces (adjacent to Delhi).	1,230	110,700	6,00,000	- -
Jobut - - - - - -	Central India (Malwa) - -	- -	- -	10,000	- -
Jowra - - - - - -	Ditto - - - - - -	872	85,456	8,00,000	- -
Jucknowda (*vide* Jaboaa).					
Koorwaee - - - - - -	Ditto - - - - - -	200	19,600	75,000	- -
Loharoo - - - - - -	North-West Provinces (near Delhi).	200	18,000	- -	- -
Macherry (*vide* Alwur, *under* Rajpoot States).					
Munneepoor - - - - -	North-Eastern Frontier (Bengal)	7,584	75,840	- -	- -
Nagpore or Berar - - -	Deccan - - - - - -	76,432	4,650,000	49,08,560	8,00,000
Nepaul - - - - - -	Northern India - - -	54,500	1,940,000	32,00,000	- -
Nizam (*vide* Hyderabad).					
Nursinghur (*vide* Omutwarra).					
Omutwarra:					
Rajghur - - - - -	Central India (Malwa) - -	1,348	132,104	2,00,000	*Vide* next column.
Nursinghur - - -	Ditto - - - - - -			2,75,000	
Oude - - - - - -	North-West Provinces - -	23,738	2,970,000	144,73,380	- -
Patowdee - - - - - -	North-West Provinces (near Delhi District).	74	6,660	50,000	- -
Rajghur (*vide* Omutwarra).					
Rajpoor Ali (*vide* Allee Mohun).					

- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Subsidiary alliance; bound to retain a body of 3,000 horse ready to co-operate with the British troops.	642	3,145	3,821	This force is inclusive of the contingent of cavalry, which Holcar is bound to furnish. This prince contributes *Rs.* 11,000 per annum towards the maintenance of the Malwa Bheel corps, and also a further sum in aid of the United Malwa contingent.
Protected by the British Government, but tributary only to Holcar.	- -	40	125	These troops have probably been absorbed into the Malwa Bheel corps, for the support of which Jaboоa contributes *Rs.* 3,500 per annum.
Protected, but not tributary -	- -	15	30	
Ditto - - - - -	- -	15	25	
Ditto - - - - -	180	1,280	1,700	The Jaghire of Jhajjur was conferred by the British Government on the Nawaub, on condition of furnishing 400 horse when required.
Ditto - - - - -	- -	15	25	
Protected by the British Government, but tributary to Scindia.	50	60	740	
Protected, but not tributary -	- -	40	150	
Ditto - - - - -	- -	60	260	The Chief of Loharoo is bound to furnish, on occasions of exigency, a party of 50 troopers to the British Government.
Ditto - - - - -	452	- -	3,158	
Subsidiary alliance - -	372	2,424	4,163	The Rajah is bound by treaty to furnish 1,000 horse to serve with the British army in time of war. His military force, as here stated, is exclusive of a police corps of 2,274 men.
This State is not under British protection, but the Rajah is bound by treaty, to abide, in certain cases, by the decision of the British Government, and prohibited from retaining in his service subjects of any European or American State.	1,100	- -	8,400	In addition to this body of infantry there is an irregular force of 5,000 men, and a police corps amounting to 2,000 men. An accredited Minister from the British Government resides at the Court of Nepaul, with an escort of 94 rank and file, officered and paid by the British.
These two States are protected by the British Government, but are tributary to Scindia and Holkar - - -	10 20	50 150	150 350	
Subsidiary alliance;* subsidy being commuted by territorial cessions.	5,304	4,088	44,767	By the treaty of 1837, the limit on the number of troops to be maintained by the King was removed, and his Majesty may employ such a military establishment as he may deem necessary for the government of his dominions, power being reserved to the British Government to insist upon reduction in case of obvious excess. A police corps of 100 horse and 400 foot is also maintained by the King of Oude for the protection of the British frontiers of Goruckpoor and Shahjehanpoor, bordering on the territory of Oude.
Protected, but not tributary -	- -	75	280	

(*continued*)

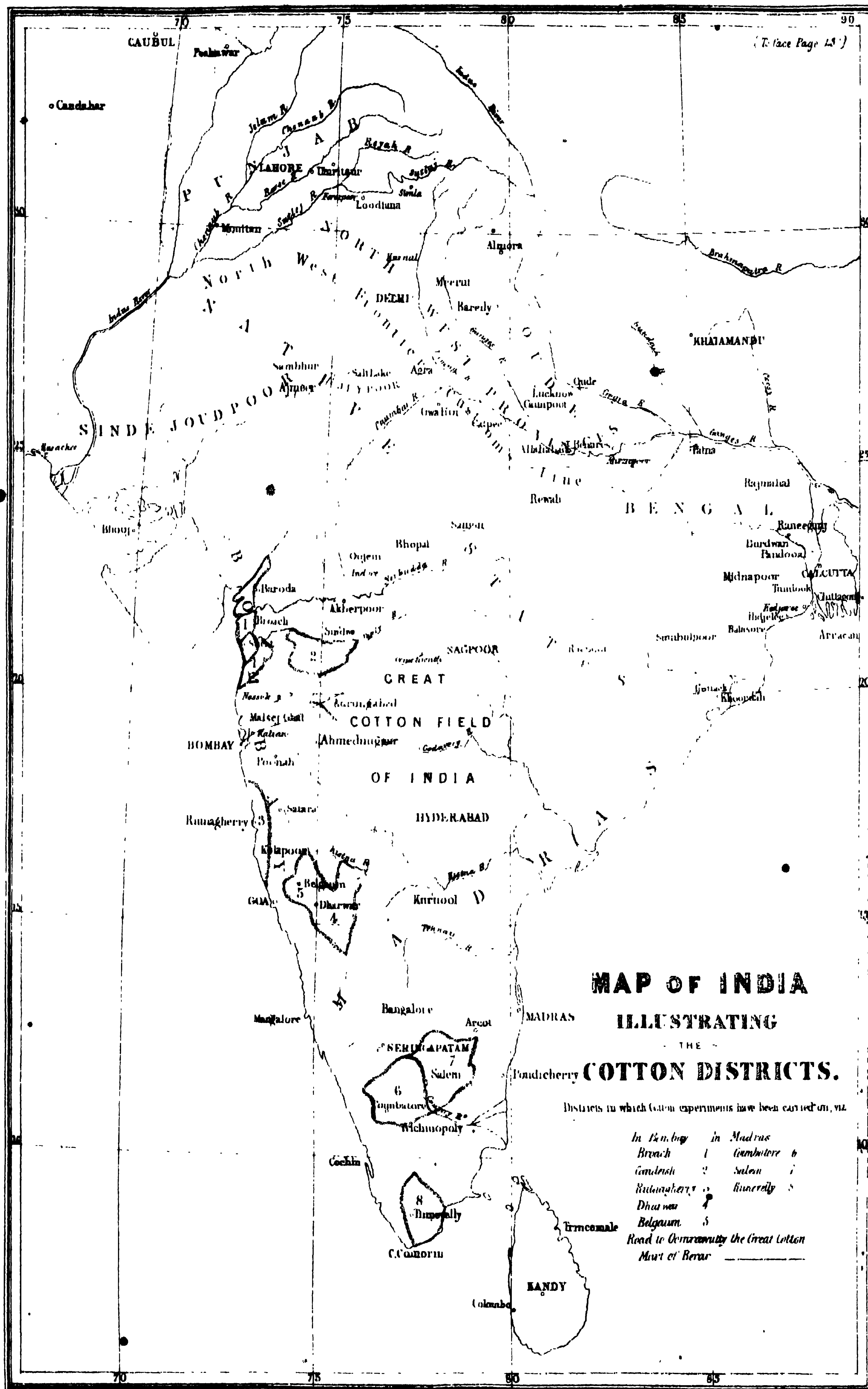
* The obligation of the British Government, under the treaty of 1798, to maintain a force of 10,000 men in Oude, was superseded by the treaty of 1801. Under the provisions of the latter treaty, the British Government are bound to the defence of the kingdom against all enemies, but exercise their own discretion as to the requisite number of troops. The strength of the British subsidiary force in Oude amounts at the present time to 5,578 men.

NATIVE STATES not under the direct Rule, but within the Limits - - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*				*Rs.*	*Rs.*
Rajpoot States:					
Alwur* or Macherry, including Tejarra.	Rajpootana - - - - -	3,573	280,000	18,00,000	- -
Banswarra - - - -	Ditto - - - - - -	1,440	144,000	95,000†	25,000
Bikaneer - - - -	Ditto - - - - - -	17,676	539,250	6,50,380	- -
Boondee - - - -	Ditto - - - - - -	2,291	229,100	5,00,000‡	40,000
Doongerpore - - -	Ditto - - - - - -	1,000	100,000	1,09,000	*Vide* column "Remarks."
Jessulmere - - - -	Ditto - - - - - -	12,252	74,400	84,720	- -
Jyepore or Jyenagur - -	Ditto - - - - - -	15,251	1,891,124	45,83,950§	400,000
Jhallawur - - - -	Ditto - - - - - -	2,200	220,000	15,00,000	80,000
Joudpore - - - -	Ditto - - - - - -	35,672	1,783,600	17,52,520	2,23,000¶
Kerowlee - - - -	Ditto - - - - - -	1,878	187,800	5,06,900**	- -
Kishengurh - - -	Ditto - - - - - -	724	70,952	—	—

* An experiment of great interest, not only to Alwur itself, but to the States of Rajpootana generally, and even to the British Government, was commenced in this principality a few years since, and is still in progress. The Rajah, becoming dissatisfied with the administration of the old and hereditary servants of the State, called to his assistance some of the revenue and judicial officers from the British service, the principal of whom had filled the office of sheristadar under different commissioners at Delhi, and subsequently became the head native officer under the sessions judge. This person was appointed Dewan of Alwur, and others brought up in the same departments with himself were selected to perform, under his control, the duties of all the civil offices of the Government. By the exertions of this minister many important reforms have been effected. The revenue farming system has been abolished; the practice has been introduced of supporting the military establishments by cash payments, instead of assignments of land; a vigilant examination of accounts has been adopted, and by these means the revenue, which previously fell short of the expenditure to the extent of two lacs of rupees per annum, has been increased to three-and-a-half beyond former collections. Revenue and police duties have been separated, and the administration of justice has been divided into civil and criminal departments.

† Irrespective of the revenues of feudal grants and religious endowments.



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- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected, but not tributary	- -	4,000	11,000	By an engagement dated in 1826, the Chief of Alwur ceded to his cousin Bulwunt Singh the territory of Tejarra, which, however, has now lapsed to Alwur on the failure of direct heirs. The Chief of Alwur, in the event of war, is bound by treaty to assist the British Government with his whole force.
Protected and tributary	- -	150	225	By the treaty of 1818, the tribute was not to exceed three-eighths of the annual revenue. In 1831 it was fixed for a specified number of years at *Rs.* 25,000.
Ditto	- -	1,581	2,100	The military force is irrespective of the quotas to be furnished by the Feudal Chiefs, amounting to 1,500 horse, but inclusive of a mounted police, numbering 535 men.
Ditto	150	1,000	520	Irrespective of a police force of 2,000 men, and also of an irregular feudal force of 2,500. The tribute payable by Boondee under treaty was *Rs.* 80,000, but among the items comprising that sum is *Rs.* 40,000 on account of Patun; but as this district was not relinquished to Boondee, the tribute was diminished accordingly. It has been subsequently proposed to transfer Patun to Boondee.
Ditto	- -	125	200	This force is exclusive of a police force, amounting to 100 men. The tribute is not to exceed three-eighths of the annual revenue.
Protected, but not tributary	30	754	252	
Protected and tributary	692	2,096	18,377	The military force here stated is exclusive of the troops maintained by the Feudatory Chiefs, amounting to 5,690 men, and exclusive of the garrisons of forts, amounting to 5,267.
Protected and tributary	500 ‖	450	3,010	There is also a police force of 1,500 men in Jhallawur. This State was formed in 1838 out of the Kotah dominions, as a separate principality for the prime minister (*vide* Kotah).
Protected and tributary, both to Scindia and to the British Government.	- -	2,630	5,850	This force is irrespective of the Joudpore legion, which was embodied in 1817, in lieu of the Joudpore contingent, and consists of— Artillery - - - - - - 31 Cavalry - - - - - - 254 Infantry - - - - - - 739 Bheel Companies - - - - 222 1,246 Men, commanded by British officers. There is also a force of 2,000 men maintained by the Feudal Chiefs.
Protected, but not tributary	- -	248	546	The State of Kerowlee was formerly tributary to the Peishwa, but the tribute has been remitted by the British.
—	—	—	—	(*continued*)

‡ Irrespective of feudal estates and religious endowments.
§ The revenue, as here stated, is independent of feudal jaghires and charitable endowments, producing 40,00,000 more. The amount of tribute payable by Jyepore under the treaty of 1818, viz. *Rs.* 8,00,000, was reduced in 1842 to *Rs.* 4,00,000.
‖ It was stated in 1848, that the military force of Jhallawur was about to undergo considerable reduction.
¶ Annual tribute formerly paid to Scindia, but transferred by that prince to the British Government - - - *Rs.* 1,08,000
Annual payment towards expense of Joudpore legion in lieu of contingent - - - - - - - - - - 1,15,000
Rs. 2,23,000

The amount received under the first head, viz. *Rs.* 1,08,000, is applied by the British Government to the maintenance of Scindia's contingent, under the stipulations of the treaty of 1844.
** This amount of revenue is inclusive of feudal jaghires and charitable endowments.

NATIVE STATES not under the direct Rule, but within the Limits - - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued.*				*Rs.*	*Rs.*
Rajpoot States—*continued.*					
Kotah* - - - - -	Rajpootana - - - - -	4,330	433,900	28,00,000	3,84,720
Odeypore or Mewar - -	Ditto - - - - - -	11,614	1,161,400	12,50,000	2,00,000 †
Pertabgurh and Dowlea -	Ditto - - - - - -	1,457	145,700	1,75,000	57,874 ‡
Serohee - - - - -	Ditto - - - - - -	3,024	151,200	74,060	$\frac{3}{8}$ths of Annual Revenue.
Rampore - - - - - -	North-West Provinces (Bareilly)	720	320,400	10,00,000	- -
Rutlam* - - - - - -	Central India (Malwa) - -	936	91,728	4,50,000	66,150
Saugor and Nerbudda Territories:					
Kothee - - - - -	Central India (Saugor and Nerbudda).	100	30,000	47,000	- -
Myheer - - - - -	Ditto - - - - -	1,026	100,000	64,500	- -
Ocheyrah - - - - -	Ditto - - - - -	436	120,000	66,320	- -
Rewa and Mookundpore -	Ditto - - - - -	9,827	1,200,000	20,00,000	- -
Sohawul - - - - -	Ditto - - - - -	179	80,000	32,000	- -
Shahgurh - - - - -	Ditto - - - - -	676	30,000	- -	- -
Scindia's Dominions (*vide* Gwalior).					
Seeta Mow - - - - -	Central India (Malwa) - -	208	20,384	90,000	47,250
Sikh Protected States: §					
Boorea (Dealgurh) - -	Cis-Sutlej - - - - -	80	11,920	50,000	- -
Chickrowlee (Kulseah) -	Ditto - - - - - -	63	9,387	1,65,000	- -
Furreedkote - - -	Ditto - - - - - -	308	45,892	45,000	- -
Jheend - - - - -	Ditto - - - - - -	376	56,024	3,00,000	- -
Mulair Kotla - - -	Ditto - - - - - -	144	21,456	3,00,000	- -
Mundote - - - - -	Ditto - - - - - -	780	116,220	- -	- -
Nabha - - - - -	Ditto - - - - - -	541	80,609	4,00,000	- -
Puttiala - - - - -	Ditto - - - - - -	4,448	662,752	- -	- -
Rai Kote - - - - -	Ditto - - - - - -	6	894	5,500	- -

* The British Government had guaranteed the succession to this principality in the family of the Rajah, and the administration of affairs in that of his minister. In order to avert civil war, and to put an end to the anomalous relation between the two families, the British Government in 1838 formed, out of the Kotah dominions, a separate principality for the minister, under the designation of Jhallawur.

Annual Tribute - - - - - - - - - - - - - -	*Rs.* 1,84,720
Expenses of Contingent - - - - - - - - - - - -	2,00,000
	Rs. 3,84,720

The tribute formerly paid by Kotah to the Mahratta Chiefs was transferred to the British Government by the treaty of 1817, when Kotah was taken under British protection; but upon the division of the Kotah territory, the amount was reduced from *Rs.* 2,64,720 to the sum above stated; the balance of *Rs.* 80,000 being paid by Jhallawur.

- - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected and tributary -	601	710	2,140	Irrespective of the Kotah contingent, which consists of Cavalry - - - - - - 283; Artillery - - - - - - 66; Infantry - - - - - - 799; 1,148 Men, commanded by British officers. There is also a police force consisting of 2,000 men.
Ditto - - - -	- -	1,200	4,200	This State contributes also towards the maintenance of the Malwa Bheel corps. The corps was raised in 1841. Its estimated annual cost was *Rs.* 1,20,000, of which sum *Rs.* 70,000 is chargeable to the British Government, and the residue, *Rs.* 50,000, to Odeypore. The actual expense has usually fallen somewhat short of the estimate. The corps, consisting of 1,054 men, was raised for the pacification of the wild tracts of Joudpore, and complete success has been the result.
Protected by the British Government, but tributary to Holcar.	- -	250	300	There is also a police force in Pertabgurh, consisting of 200 men.
Protected and tributary -	- -	200	600	These troops, as well as the force maintained by feudatories, amounting to 905 cavalry and 5,300 infantry, are employed also in revenue and police duties.
Protected, but not tributary -	60	497	1,387	
Protected by the British Government, but tributary to Scindia.	10	225	600	Under an arrangement made in 1819, the tribute due to Scindia is collected by the British Government, and paid over to that prince.
Protected, but not tributary -	1	10	50	
Ditto - - - - -	14	25	300	
Ditto - - - - -	—	—	—	
Ditto - - - - -	29	842	7,291	
Ditto - - - - -	—	—	—	
Ditto - - - - -	8	150	800	
Protected by the British Government, but tributary to Scindia.	- -	130	225	The tribute is collected by the British Government, and handed over to Scindia.
Protected, but not tributary -	- -	20	50	
Ditto - - - - -	- -	75	50	
Ditto - - - - -	- -	60	100	
Ditto - - - - -	- -	250	500	
Ditto - - - - -	- -	168	200	
Ditto - - - - -	- -	100	60	
Ditto - - - - -	- -	400	500	
Ditto - - - - -	- -	1,500	1,500	This force is irrespective of a feudal force of 60 men, and also of a police corps of 500 foot.
Ditto - - - - -	- -	12	20	(*continued*)

† The amount of tribute payable by Odeypore was not to exceed three-eighths of its annual revenue; but in 1848 it was reduced by the British Government to the sum above specified.

‡ The tribute is received by the British Government, but paid over to Holcar.

§ The Sikh States were taken under British protection by treaty with Runjeet Sing, ruler of the Punjab, dated 25th April 1809. All but those above mentioned have been deprived of independent authority, in consequence of failure in their allegiance during the war with the Sikhs.

NATIVE STATES not under the direct Rule, but within the Limits - - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BENGAL—*continued*.				*Rs.*	*Rs.*
South-West Frontier of Bengal:					
Bombra	Orissa	1,244	55,980	10,000	340
Bonei	Ditto	1,057	47,565	6,000	200
Bora Samba	Ditto	622	27,990	4,000	160
Burgun	Ditto	399	17,955	10,000	320
Gangpoor	Ditto	2,493	112,185	10,000	500
Jushpore	Ditto	617	27,765	10,000	Included in Sirgooja.
Keriall or Koren, including Bhokur.	Ditto	1,512	68,040	20,000	1,095
Korea	Ditto	2,225	100,000	10,000	1,600
Nowagur or Bindra Nowagur	Ditto	1,512	68,040	5,000	400
Odeypore	Ditto	2,306	133,748	15,000	Included in Sirgooja.
Patna	Ditto	1,158	52,110	25,000	600
Phooljee	Ditto	890	40,050	6,000	440
Rhyghur	Ditto	1,121	63,945	20,000	170
Sarunghur	Ditto	799	35,955	6,000	1,400
Singboom (States in British District of Singboom)	- -	- -	- -	4,000	107
Kursava (States in British District of Singboom)	Ditto	Included in British District of Singboom.	Included in British District of Singboom.	6,000	- -
Serickala (States in British District of Singboom)	- -	- -	- -	10,000	- -
Sirgooja	Ditto	5,441	316,252	50,000	3,200
Sohnpoor	Ditto	1,467	66,015	60,000	6,400
Suetee	Ditto	268	12,060	4,000	240
Sikkim	Northern India	1,670	61,766	- -	- -
Tijarra (*vide* Alwur, Rajpoot States).					
Tonk, and other Dependencies of Ameer Khan; viz.: 1. Chuppra. 2. Nimbera. 3. Perawa. 4. Rampoora. 5. Seronje.	Central India	1,864	182,672	8,20,000	- -
Tipperah	Eastern India, adjacent to Burmah.	7,632	- -	- -	- -
Tuleram (Senaputty's Territory)	Eastern India (Assam)	2,000	30,000	- -	- -

MADRAS NATIVE STATES, not under the direct Rule, but within - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
MADRAS:					
Cochin	Coast of Malabar	1,988	288,176	4,86,000	2,40,000
Jeypore, and the Hill Zemindars	Orissa	13,041	391,230	- -	16,000
Mysore	Southern India	30,886	3,000,000	69,31,870	24,50,000
Poodoocottah (Rajah Tondiman's Dominions).	Southern India (Madura)	1,165	61,745	- -	- -
Travancore	Southern India	4,722	1,011,824	41,58,075	7,96,430

. . . . of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources. Artillery.	Cavalry.	Infantry.	REMARKS.
Protected and tributary	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	These States are comprised within the Territory ceded to the British by the Rajah of Nagpore, under the Treaty of 1826.
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
- - - -	-	-	-	
Ditto	-	-	-	
- - - -	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Ditto	-	-	-	
Protected, but not tributary	-	-	-	The area of Sikkim, as here given, is independent of the Terrai, a portion of territory of which the Rajah was deprived in 1850, in consequence of outrages committed against British subjects. The Rajah was, at the same time, mulcted of the annual sum of *Rs.* 6,000, which had been granted to him as compensation for the territory of Darjeeling.
Ditto	—	—	—	
Independent	-	-	-	This district is hilly, much covered with jungle, and very thinly inhabited.
Protected, but not tributary	-	-	-	This prince receives a pension of *Rs.* 600 per annum, in consideration of the cession of certain territory; and makes an annual present of elephants' teeth to the British in token of allegiance.

. . . . the Limits of the Political Supremacy of the East India Company.

Subsidiary alliance	-	-	-	In Cochin, in consequence of the misrule of the Rajah, the affairs of the State have been conducted, since 1839, by a native minister, in communication with the British resident. The result has been highly successful.
Protected and tributary	—	—	—	
* Subsidiary alliance	-	-	2,172	In addition to this force, the Rajah, by treaty dated in 1807, is bound to maintain a body of 4,000 horse; but owing to the state of the finances, the strength of the contingent amounted, in May 1847, only to 2,702.
Protected, but not tributary	-	-	-	In 1845 the British resident divested himself of all interference in the State of Poodoocottah, except the control of unusual expenditure.
Subsidiary alliance	-	-	-	In 1805 the entire management of the State of Travancore was assumed by the British; but in the year 1813 the administration was restored to the Rajah upon his attaining his 16th year.

* On the subjugation of the Mahomedan dynasty in 1799, the British Government restored a Hindoo prince to the throne of his family, from which it had been expelled by Hyder Ali. But the Rajah's misgovernment having forced the inhabitants into rebellion, the British Government, in accordance with the treaty, set aside the administration of the Rajah, and assumed the management of affairs in 1832.

BOMBAY NATIVE STATES, not under the direct Rule, but within - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BOMBAY:				*Rs.*	*Rs.*
Balasinore - - - -	Guzerat - - - - - -	258	19,092	41,548	10,000
Bansda - - - - - -	Ditto - - - - - -	325	24,050	47,000	7,800
Baroda (Dominions of the Guicowar).	Ditto - - - - - -	4,399	325,526	66,87,440	- -
Cambay - - - - - -	Guzerat - - - - - -	500	37,000	3,00,000	60,000
Colapore, including its Dependencies; viz.:—	Southern Mahratta country -	3,445	500,000	5,50,000	- -
Bhowda - - - - -	- - - - - - -			51,662	- -
Inchulkunjee - - -	- - - - - - -			75,000	- -
Khagul - - - -	- - - - - - -			72,760	- -
Vishalgur - - - -	- - - - - - -			1,23,146	- -
113 Surinjams, or minor dependencies.	- - - - - - -			6,31,628	—
Cutch - - - - - -	Western India - - - -	6,764	500,536	7,38,423	2,00,000*

* This amount of tribute is subject to reduction in the event of a reduction of the British subsidiary force.

- - - the Limits of the Political Supremacy of the East India Company.

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected and tributary - -	- -	8	50	This force is not superintended or controlled, as to discipline, by British officers. It is kept up at the Nawaub's cost, and employed indiscriminately in revenue and police duties.
Ditto - - - - -	- -	- -	77	Ditto - - - ditto.
* Subsidiary alliance - -	63	5,042 †	3,054	† This force includes a contingent of 3,000 cavalry, which acts with the British subsidiary force, but is supported at the Guicowar's expense, and paid and equipped agreeably to the suggestions of the British Government. There is also another body of troops (the Guzerat Irregular Horse) consisting of 756 men, paid by the Guicowar, but commanded by British officers, and stationed in the British district of Ahmedabad. In addition to the foregoing there is a police force, consisting of 4,000 men. The military force in Guzerat is thus composed of— 1st. British subsidiary force - 4,000 infantry. 2 regts. caval. and 1 comp. artil. 2d. Guicowar's Regular Troops 6,059 3d. Guicowar's Contingent - 3,000 cavalry. 4th. Guzerat Irregular Horse - 756 5th. Police Corps - - - 4,000
Protected and tributary - -	- -	200	1,500	In addition to the tribute of *Rs.* 60,000, as rated in the schedule to the treaty of Bassein, the Nawaub pays to the British Government half the Customs duties of the port of Cambay. The military force of the Nawaub is employed in revenue and police duties.
Protected; now under the management of the British Government.	27	450	3,848	The Colapore force here specified consists of native troops uncontrolled as to discipline, and are assembled under the orders of the Political Superintendent whenever required. There is, however, an efficient force (the Colapore Local Corps) commanded by British officers, and consisting of— Cavalry - - - - - - 303 Infantry - - - - - - 604 907
- - - - - - - -	- -	16	468	
- - - - - - - -	- -	50	1,051	
- - - - - - - -	- -	25	672	
- - - - - - - -	- -	5	164	
				The military force of the four Feudal Chiefs is shown under "Military Resources." They are bound to furnish a contingent for their feudal superior, consisting of— Cavalry - - - - - - 246 Infantry - - - - - - 580 826
				Besides the above, there is a regular police corps of 674 men, and a body termed extra fighting-men, available for police duties, amounting to 3,113 men.
Subsidiary alliance - -	- -	- -	- -	The Rao of Cutch maintains a body of irregular horse for the protection of his own country, in no way subject to the control of the British Government.

(continued)

* By the treaties of 1805 and 1817, the subsidiary force to be furnished by the British Government is to consist of 4,000 infantry, with two regiments of cavalry and one company of European artillery.

BOMBAY NATIVE STATES, not under the direct Rule, but within the Limits - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BOMBAY—*continued.*				*Rs.*	*Rs.*
Daung* Rajahs - - - - -	Guzerat - - - - - -	950	70,300	- -	- -
Dhurrumpore - - - - -	Ditto (collectorate of Surat) -	225	16,650	91,000	9,000
Guzerat (Guicowar's Dominions), *vide* Baroda.					
Guzerat Petty States †:					
Chowrar - - - - -	Guzerat - - - - - -	225	2,500	9,000	- -
Pahlunpore - - -	Ditto - - - - - -	1,850	130,000	2,98,838	50,000
Radhunpore - - -	Ditto - - - - - -	850	45,000	1,65,000	- -
Baubier - - - - -	Ditto - - - - - -	120	500	1,206	- -
Charcut - - - - -	Ditto - - - - - -	80	2,500	2,524	- -
Deodar - - - - -	Ditto - - - - - -	80	2,000	3,650	- -
Kankrej - - - - -	Ditto - - - - - -	- -	- -	12,895	- -
Merwara - - - - -	Ditto - - - - -	Included in Thurraud.	Included in Thurraud.	4,230	- -
Santulpoor - - - - -	Ditto - - - - - -	- -	- -	1,346	- -
Soegaum - - - - -	Ditto - - - - - -	64	4,500	5,404	- -
Therwarra - - - - -	Ditto - - - - - -	48	800	2,363	- -
Thurra - - - - -	Ditto - - - - - -	- -	- -	6,460	- -
Thurraud - - - - -	Ditto - - - - - -	600	23,000	11,335	- -
Warye - - - - -	Ditto - - - - - -	299	20,000	16,770	- -
Wow - - - - - -	Ditto - - - - - -	361	10,000	7,360	- -
Hursool (*vide* Peint).					
Kattywar ‡ Petty Chiefs - -	Ditto - - - - - -	19,850	1,468,900	45,01,723	10,47,396
Khyrpore - - - - - -	Scinde - - - - - -	5,000	105,000	- -	- -

* There are several petty chiefs in the Daung district, acknowledging the supremacy of the Rajah of Daung.

† Quotas of horse and foot are furnished by chiefs in the petty States of Guzerat to their feudal superiors, which have not been included in the military resources of each State. They amount in the aggregate to 1,496 horse and 16,954 foot.

‡ The province of Kattywar is divided among a considerable number of Hindoo chiefs. Some of them are under the direct authority of the British Government; the remainder, though subject to the Guicowar, have also been placed under the control and management of the British Government, which collects the tribute, and accounts for it to the Guicowar. The following Table exhibits the division of the province into talooks, or districts, with the number of chiefs, the amount of revenue and tribute, and the military resources of each:—

TALOOKAS.	Number of Chiefs in each Talooka.	Revenue.	Tribute.	Remainder.	Sebundy Force.		
					Artillery.	Cavalry.	Infantry.
		Rs.	*Rs.*	*Rs.*			
Soruth - - - - - -	3	6,28,000	99,959	5,28,041	30	903	1,930
Hallar - - - - - -	26	9,73,100	3,22,461	6,50,639	25	827	1,702
Muchookanta - - -	2	1,51,000	66,358	84,642	20	102	175
Babriawar - - - -	32	30,200	8,127	22,073	- -	40	65
Ond Surna - - - -	23	32,923	10,307	22,616	- -	2	5
Jhalawar - - - -	51	8,31,900	2,38,143	5,93,757	7	472	717
Gohelwar - - - -	27	7,25,300	1,46,492	5,78,808	- -	915	1,720
Katteewar - - - -	47	8,55,800	1,21,113	7,34,687	20	480	895
Burda - - - - -	1	2,00,000	34,436	1,65,564	- -	100	400
Okamundel, &c. - - -	4	73,500	- - -	73,500	- -	47	513
TOTAL - - -	216	45,01,723	10,47,396	34,54,327	102	3,888	8,122

- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources. Artillery.	Cavalry.	Infantry.	REMARKS.
Protected, but not tributary -	—	—	—	
Protected and tributary - -	- -	105		
Protected, but not tributary -	- -	25	- -	The petty State of Chowrar is divided among a number of chieftains.
Tributary to the Guicowar, but protected by the British Government.	10	110	429	In addition to the Native force here specified, the Rajah is bound to maintain a contingent, consisting of 150 cavalry and 100 infantry. There is also a police of 13 horse and foot. The tribute is paid over to the Guicowar by the British Government.
Protected, but not tributary -	20	285	197	There is also a police force in Radhunpore of 193 men.
Ditto - - - - -	—	—	—	
Ditto - - - - -	—	—	—	
Ditto - - - - -	—	—	—	
Ditto - - - - -	—	—	—	
Ditto - - - - -	- -	6	1	
Ditto - - - - -	—	—	—	
Ditto - - - - -	—	—	—	
Ditto - - - - -	—	—	—	
Ditto - - - - -	- -	21	8	
Ditto - - - - -	- -	20	18	
Ditto - - - - -	—	—	—	
Ditto - - - - -	- -	15	8	
Tributary to the British and to the Guicowar, but protected by the British.	102	3,888	8,122	The whole of the force here specified must be regarded rather as police than as available for military duties. But a portion of the Guicowar's contingent, amounting to 900 cavalry, is employed in the province; and a company of Arabs, consisting of 111 men, is attached to the establishment of the British agent.
Protected in the hereditary possessions allotted to him by his father.	47	727	105	This force was maintained by Ali Morad before he was degraded and deprived of the territory, which he had obtained by forgery and fraud. No advice has been received of its subsequent diminution.

BOMBAY NATIVE STATES, not under the direct Rule, but within the Limits - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BOMBAY—*continued.*				*Rs.*	*Rs.*
Myhee Caunta* is distributed into Six Districts:	Guzerat - - - - - -	3,400	150,000	5,00,000†	1,38,400
1st. Nanee Marwar, Comprising Edur, Ahmednuggur, Morassa, Hursole, Byer, Tintooe, Daunta, Malpoor, Pole, Pall, Posuna, Gudwarra, Wallasun and Hurrole.					
2d. Rehwar, Comprising Gorewarra, Runassum, Mohunpoor, Surdooe, Roopal, Boroodra, Wurragaon and Dhudulea.					
3d. Sabur Caunta, Composed of Cooly Possessions on the eastern bank of the Sabur Muttee, with the Rajpoot Districts of Wursora, Maunsa, and Peethapore, on the western bank of that river.					
4th. Kuttosun, Composed exclusively of Cooly Possessions.					
5th. Byul, or Baweesee, Comprising Wasna and Sadra.					
6th. Watruck, Comprising Amleyara, Mandwah, Khural, Bar Mooarah, and Satoomba.					
Peint and Hursool - - -	Collectorate of Ahmednuggur -	750	55,500	29,724	3,360
Rewa Caunta,‡ comprising:					
1st. Barreea or Deoghur Barreea	Guzerat - - - - - -	870	64,380	57,651§	12,000
2d. Loonawarra - - -	Ditto - - - - - -	500	37,000	40,000	19,200
3d. Mewassee Chiefs, residing on the banks of the Nerbudda and the Myhee.	Ditto - - - - - -	375	27,750	- -	67,613
4th. Odeypore (Chota) or Mohun	Ditto - - - - - -	1,059	78,366	74,000	10,500
5th. Rajpeepla - - -	Ditto - - - - - -	1,650	122,100	2,03,966	60,000
6th. Soauth - - - -	Ditto - - - - - -	425	31,450	20,000	7,000
Sattara Jaghires:					
1. Akulkote - - - -	Sattara - - - - - -	The area and population of these States cannot be given separately from the principality of Sattara.		- -	- -
2. Bhore - - - - -	Ditto - - - - - -			- -	- -
3. Juth - - - - -	Ditto - - - - - -			- -	- -
4. Ounde - - - -	Ditto - - - - - -			- -	- -
5. Phultun - - - -	Ditto - - - - - -			- -	- -
6. Wyhee - - - -	Ditto - - - - - -			- -	- -
Sawunt Warree - - - -	South Concan - - - -	800	120,000	2,00,000	- -
Sinde (*vide* Khyrpore).					
Southern Mahratta Jaghires:					
Hablee - - - - -	- - - - - - -	- -	- -	10,024	- -
Jhumkundee - - - -	- - - - - - -	- -	- -	2,70,246	- -
Koonwar - - - -	- - - - - - -	- -	- -	1,67,392	- -
The two chiefs of Meeruj	- - - - - - -	- -	- -	2,75,343	- -
Moodholo - - - -	Southern Mahratta country -	3,700	410,700	94,645	61,720
Nurgoond - - - -	- - - - - - -	- -	- -	51,609	- -
Sanglee - - - - -	- - - - - - -	- -	- -	4,68,044	- -
Savanore - - - -	- - - - - - -	- -	- -	29,670	- -
Shedbal - - - - -	- - - - - - -	- -	- -	1,23,599	- -

* The province of the Myhee Caunta is divided among several petty chiefs, tributary to the Guicowar. The whole province has been placed under the control and management of the British Government, which collects the Guicowar's dues, and pays over the amount to that prince.

† Revenue of Edur and Ahmednuggur - - - - - - - - - - - - - - *Rs.* 2,34,000
Ditto remaining States - - - - - - - - - - - - - - - - 2,66,000

TOTAL Revenue of Myhee Caunta - - - *Rs.* 5,00,000

- - - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources. Artillery.	Cavalry.	Infantry.	REMARKS.
Tributary to the Guicowar, but under the control and management of the British Government.	- -	291	630	The military force here specified was maintained by the two States of Edur and Ahmednuggur, now merged into one principality, that of Edur. The force maintained by the other Chiefs of the Myhee Caunta is stated to consist of about 6,000 men. But for the purpose of assisting the British agency in securing the tranquillity of the country, a portion of the Guicowar's contingent, amounting to 1,000 cavalry, is stationed at Sadra, from which place detachments are distributed over the province.
Protected and tributary -	- -	- -	100	
Ditto - - - - -	- -	43	168	There is also a feudal force available to the Rajah, of 15 cavalry and 190 infantry.
Protected by the British, but tributary to Scindia, the Guicowar, and the Rajah of Balasinore.	- -	50	100	The State is entitled also to the service of a feudal force of 50 cavalry.
Protected by the British, but tributary to the Guicowar.	—	—	—	
Ditto - - - - -	- -	70	368	
Ditto - - - - -	- -	98	286	
Protected by the British, but tributary to Scindia.	- -	40	100	A feudal force of 50 horse is also available to the Rajah.
- - - - - - - -	- -	122	493	A proposal has been made to the Rajah of Akulkote and the other Sattara Jaghiredars, who supply contingents of horse, to commute the obligation of military service for a pecuniary payment, at the rate of 24 rupees per month per man.
Protected, and bound to furnish contingents, amounting in the aggregate to 235 cavalry -	- -	20	908	
	- -	10	202	
	- -	25	255	
	- -	15	175	
- - - - - - - -	—	—	—	
Protected; now under the management of the British Government.	- -	- -	611	The military force of Sawunt Warree consists solely of the local corps, under the control of European officers, and in subordination to the political superintendent.
- - - - - - - -	- -	14	75	The Chiefs of Koonwar, Meeruj, Shedbal, Jhumkundee, and Moodhole, were bound to furnish contingents of cavalry, amounting in the aggregate to 231 horse. They have now commuted the obligation by a money payment of *Rs.* 61,720 per annum.
- - - - - - - -	- -	102	785	
- - - - - - - -	- -	43	682	
- - - - - - - -	- -	87	1,053	
Protected and tributary - -	- -	35	420	
- - - - - - - -	- -	103	643	
- - - - - - - -	- -	575	3,900	
- - - - - - - -	- -	25	431	
- - - - - - - -	- -	68	212	(*continued*)

‡ The province of Rewa Caunta, though tributary to the Guicowar and to Scindia, has been placed under the management and control of the British Government.

§ The Rajah derives a tribute from the Punch Mehals of *Rs.* 4,750 per annum.

BOMBAY NATIVE STATES not under the direct Rule, but within the Limits - - -

NAME.	LOCALITY.	Area, in Square Miles.	Population.	Revenue.	Annual Amount of Subsidy, Tribute, or other Payment.
BOMBAY—*continued.*				*Rs.*	*Rs.*
Sucheen - - - - - -	Guzerat - - - - - -	300	22,200	89,000	- -
Wusravee (Bheel Chiefs) - -	Ditto (southern boundary of Rajpeepla).	450	33,300	- -	- -

ABSTRACT. - - - - - - - - -

				Rs.	*Rs.*
BENGAL - - - -	- - - - - - - -	607,949	44,255,517	841,51,786	79,95,471
MADRAS - - - -	- - - - - - - -	51,802	4,752,975	41,58,075	7,96,430
BOMBAY - - - -	- - - - - - - -	57,375	4,393,400	186,70,820	18,62,990
	TOTAL - - -	717,126	53,401,892	1,069,80,681	106,54,891

It will appear from the foregoing statement, that the military resources of the Native Princes of India comprise a force of 398,918 men ; viz. :—

	Artillery.	Cavalry.	Infantry.	TOTAL.
Bengal - - - - - - - - - -	12,593	54,671	287,309	354,573
Madras - - - - - - - - - -	- - -	- - -	2,472	2,472
Bombay - - - - - - - - - -	369	13,632	27,872	41,873
TOTAL - - -	12,962	68,303	317,653*	398,918†

The

* Where no distinction has been made in the official records between the cavalry and infantry of a Native State, the whole armed force has been included in this Statement under the head of Infantry.

† In reference to this enormous force, it is proper to observe, that considerable portions of the regular troops of Native States are described in the official returns as fitted rather for police purposes than as available for regular military duties. Where the military force of a Native Prince is not under the command of European officers, it rarely happens that there exists any regular system of payment; and under such circumstances, a native army is invariably found to be badly organized and inefficient. The figures above given do not include either the police corps or the quotas of troops which the military chiefs are bound to furnish to their feudal superior.

- - - - - of the Political Supremacy of the East India Company—*continued.*

Nature of Connexion with British Government.	Military Resources.			REMARKS.
	Artillery.	Cavalry.	Infantry.	
Protected, but not tributary -	- -	- -	18	The Nawaub recently maintained a body of Arabs, but he is now prohibited from entertaining foreign mercenaries.
Bheel Chiefs, protected by the British Government.	—	—	—	

- - - - - - - - ABSTRACT.

- - - - - - - -	12,593	54,671	287,309
- - - - - - - -	- -	- -	2,472
- - - - - - - -	369	13,632	27,872
TOTAL - - -	12,962	68,303	317,653

The army of the British Government in India, including Her Majesty's troops and the Company's European and native troops of all arms, consists of 289,529 men; viz.:—

	QUEEN'S TROOPS (Europeans).	COMPANY'S TROOPS.			TOTAL.
		Europeans.*	Natives.	TOTAL.	
Engineers - - - - -	- - - - -	321	2,248	2,569	2,569
Artillery - - - - - - - -	- - - - -	7,436	9,004	16,440	16,440
Cavalry - - - - - - - -	3,664	469	30,851	31,320	34,984
Infantry - - - - - - - -	25,816	9,648	193,942	203,590	229,406
Medical - - - - - - - -	included in above	1,111	652	1,763	1,763
Warrant Officers - - - - -	- - -	243	- - -	243	243
Veterans - - - - - - - -	- - -	700	3,424	4,124	4,124
	29,480	19,928	240,121	260,049	289,529

The contingent troops of the Native States commanded by British officers, and available, under treaties, to the British Government, amount to about 32,000 men; viz.:—

Hyderabad (Nizam's) Auxiliary Force - -	8,094
Gwalior (Scindia's) Contingent - - -	8,401
Kotah Contingent - - - - - - -	1,148
Mysore Horse - - - - - - -	4,000
Guzerat (Guicowar's) Contingent - - -	3,756
Bhopal Contingent - - - - - - -	829
Malwa United Contingent - - - -	1,617
Carried forward - - -	27,845
Brought forward - - -	27,845
Malwa Bheel Corps - - - - - -	648
Joudpore Legion - - - - - - -	1,246
Meywar Bheel Corps - - - - - -	1,054
Colapore Local Horse - - - - - -	907
Sawunt Warree Local Corps - - - -	611
	32,311

Holkar and the Rajah of Nagpore are bound by treaty to furnish contingents, the former of 3,000, and the latter of 1,000 horse; but these troops are not commanded by British officers.

* Including officers attached to Native regiments.

Appendix C.

LAND TENURES.

The Government land tenures may be distributed into three* principal classes:—

1. The Zemindary;
2. The Putteedaree; and,
3. The Ryotwar; as it prevails in the South of India, where the cultivators are also the proprietors of the soil.

Under both the Hindoo and Mahometan law of inheritance, all settlements have a tendency to break up into subdivisions and become ryotwar.†

The zemindary and putteedaree tenures may therefore be regarded as indicating the stages through which a domain usually passes before it becomes ryotwar, or broken up into petty and separate allotments.

THE ZEMINDARY TENURE.

An estate held upon *zemindary tenure* may occasionally belong to one individual; but under the native law of partition‡ it would shortly become a joint property, and might then be held in equal or unequal shares. But in either case there would be no separation of interests. The whole estate is cultivated as a joint-stock property for the mutual benefit of the proprietors, and after payment of the expenses of cultivation and the Government assessment, the net profits are divided among the shareholders according to their respective shares. The Government recognise but one individual (the representative of the family or proprietary body§) as responsible for the Government demand, and in the event of default the whole estate would be sold for its realization. The distinguishing feature of the zemindary tenure, when the estate belongs to several proprietors, is *cultivation in common or under joint stock.*

THE PUTTEEDAREE TENURE.

Under the *putteedaree tenure* the same estate is parcelled out into allotments, and thenceforward the shares in the net profits are commuted for equivalent portions of land. Each proprietor or shareholder undertakes the agricultural management of his separate allotment, paying through the representative of the proprietary body (the lumberdar, or perhaps the headman of the village) such instalment of the Government revenue as may have been agreed to among themselves in distributing the aggregate assessment. In the event of individual default, a joint responsibility attaches to the whole proprietary body;‖ but any proceedings instituted by the Government for the realization of the deficiency, would be directed, in the first instance, against the defaulting allotment. The characteristic of the putteedaree tenure is *cultivation in severalty with joint responsibility.*

RYOTWAR TENURE.

Under the *ryotwar tenure* the various proprietary subdivisions of the estate are recognised by the Government, and *joint responsibility ceases.* The aggregate of the Government demand upon the estate is distributed by its authority in distinct instalments, corresponding with the value of each separate allotment. The proprietor of each petty holding is thus made responsible to the Government for the payment exclusively of his own fixed assessment. The principle of the ryotwar tenure is that of a *field assessment with total separation of interests.*

RECAPITULATION.

* The talookdary system will be described separately.

† Evidence before Parliamentary Committee.

‡ Under the Mahometan law of inheritance, the right of primogeniture is unknown. Property is divided among all the children or other heirs in certain proportions. A wife, if there be no issue, receives a fourth; if there be an issue, an eighth. A male receives as much as the share of two females.

Under the Hindoo law, property is equally divided among all the brothers. Daughters are debarred from a share in the inheritance of their father, but receive portions out of their brothers' allotments. The widow appropriates only her own dowry.

§ The distinction between the zemindary tenure of Bengal and that of the North-West Provinces is one arising solely from the difference in the periods of their respective duration. That of Bengal dates from a recent period (1793), and the shareholders in an estate are there united by *community of descent*; the elder brother usually manages the estate, and he alone is responsible for the Government revenue.

In the North-West Provinces the tenure is of far earlier origin. There the shareholders, though probably deriving from one common stock, and possessing a property originally belonging to one individual, are at this time united rather by *community of rights* than by community of descent; and they elect from their own body a representative, who is regarded by the Government as responsible for the Government demand.

‖ But if the parties possessing the joint property, or separate properties subject to a common obligation, desire to have separate possession, they will be admitted to separate engagements with the Government, and each parcel of land will then be held exclusively responsible for the revenue assessed upon it.—Bengal, Regulation VII. of 1822, sect. 10, c. 9.

RECAPITULATION.

That the zemindary tenure denotes an estate, which, though held by several partners, is cultivated in its integrity for their mutual benefit, without any separation of interests.

The putteedaree settlement indicates the estate when parcelled out in allotments among the several sharers; the arrangement being sanctioned by Government, conditionally upon the aggregate assessment being guaranteed by the shareholders in the event of individual default.

The ryotwar settlement indicates the estate absolutely parcelled out into separate allotments under the sanction of the Government, each proprietor entering into a separate engagement with the Government for the payment exclusively of the assessment fixed upon his own allotment.

TALOOKDAR.

The talookdar is a middleman, interposed by the Government between itself and the landholders, for the purpose of collecting the revenue. The office is altogether of native institution. The talookdar might either contract with the sovereign for the revenues of a district, and pay himself from the profits of his lease, or he might collect a fixed amount, and receive a regular salary. The former expedient was usually adopted under the native governments.* The British Government insists upon the latter. Wherever a talookdar is now tolerated, the rights of the landholders are first ascertained and recorded, and the powers of the talookdar restricted to the collection of a fixed assessment, his compensation for the trouble and expense of collection constituting a deduction from the sum collected.

These tenures, simple enough when viewed in the relation of the people to the Government, become somewhat complicated when regarded in the relation of the people to each other, more especially as the beneficial interest therein becomes widely diffused, and separate transferable properties are possessed by several parties in the same parcel of land.

If, for instance, a portion of an estate held under the zemindary or joint-stock tenure, contained mines or fisheries, &c., and was thus not susceptible of equal division, then in the transition of the estate from the zemindary to the putteedaree settlement, such portion would be excepted from separate allotment, and continue as before to be worked as a joint-stock property for the mutual benefit of the several proprietors. The shares in this joint property would, in the first instance, correspond with the respective divisions of the estate, but thenceforward they might be held as a distinct property, and a proprietor might dispose of his separate allotment, and retain a share in the common fund, or, *vice versâ*, he might dispose of his joint-stock share, and reserve his individual property.

Again, one or more of the *primary* divisions of the estate, when held under *putteedaree tenure*, might be further subdivided. In the event of default in one of the subdivisions or puttees, the remaining puttees of the *primary division* would in the first instance be liable for the deficiency of the Government demand, although a joint responsibility would, as before, attach to the whole estate.

It was ascertained, during the recent survey of the North-Western Provinces, that the proprietors of a division of an estate, though themselves cultivators, rarely cultivate the whole of their property. A portion, sometimes a sufficient quantity to meet the whole Government demand, for which they are responsible, is let to tenants at will, or on lease, at an increased rental. The residue is then virtually held by the proprietors rent-free. The holders of these rent-free lands are the *village zemindars*; the tenants at will, the *pyecaust ryots*.

If the estate be sold for arrears of revenue, all these proprietors or village zemindars lose their proprietary rights; but as they are also cultivators, they retain their rights in that capacity, and become hereditary cultivators (khoodkust ryots), subject to the payment of the same customary rate of rent as all other non-proprietary cultivators. The purchaser of the estate would obtain an absolute property therein, subject to the payment of the Government revenue, and save and except as affected by the position of those hereditary cultivators whose rights to occupancy at specified rates might have been already adjusted and recognised by the Government. All lands virtually held rent-free by the village zemindars would be subject to the payment of full rents.

It will hence be seen that there are two distinct rights connected with property in the land.

1st. The right of the occupier, or that of cultivating the land, subject to the payment of the landlord's rent.

2d. The

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* And where the rights of the landholders were not strictly defined, the talookdars succeeded in usurping them, and reducing the proprietors to the condition of hereditary cultivators. An intermediate position between the landholder and the State appears to have been occupied at one time or other by—

The Poligars and Mootadars of Madras.
The Dessayes and Mozumdars of Guzerat.
The Deshmooks of the Deccan.
The Talookdars of the Moguls, and by several others.

Appendix C.

2d. The right of the proprietor* or landlord, viz. the title to the rent, subject to the deduction of the Government revenue.

Principles totally different distinguish the native from the British system of revenue. The former is based upon a fixed proportion of the gross produce.† The latter deals solely with the surplus or net rent. The 52d section of the "Directions to the Revenue Settlement Officers" in the North-Western Provinces runs as follows:—

"It is desirable that the Government should not demand more than two-thirds of what may be expected to be the net produce to the proprietor during the period of settlement, leaving to the proprietor one-third as his profits, and to cover the cost of collection. By net produce is meant the surplus which the estate may yield after deducting expenses of cultivation."

BENGAL.

In the *Lower Provinces of Bengal*, the land is held chiefly upon the *Zemindary tenure*. The estates, though in the first instance granted to single individuals, are now, it is said, generally held in coparcenary. Under the permanent settlement of Lord Cornwallis, the Government is debarred from further participation in the agricultural improvement of the country. The step which has been taken is irrevocable.

NORTH-WESTERN PROVINCES.

In the *North-West Provinces*, the land is held under *putteedaree settlement*. The Government assessment, calculated upon the basis of two-thirds of the net rent, has been fixed for a period of 30 years. By this limitation of the public demand, a valuable and marketable private property has been created in the land, and every landholder, however petty his holding, is, to a certain extent, a capitalist.‡

BOMBAY.

In Bombay, the revenue settlement is chiefly *ryotwar*. Under the new survey now in progress, the lands are subdivided into fields of moderate size, so that each subdivision is rendered easy of cultivation by a farmer of limited means. The Government assessment is laid separately upon each field, and leases granted for 30 years' duration, at a fixed and invariable sum, binding on the Government for the full term; but with the option on the part of the cultivator of surrendering any one or more of his fields, or altogether putting an end to his lease at the close of any given year.

MADRAS.

In Madras, a considerable portion of the land is also held under the *ryotwar tenure*. A maximum assessment is fixed by the Government for the best lands, which cannot be exceeded. Inferior lands, so long as they remain inferior, are of course assessed at lower rates. The contracts with the cultivators are renewed from year to year, when remissions of rent are made, if the unfavourable character of the season or the circumstances of the cultivator render such a measure expedient. In the south of India the seasons are unusually precarious, and the cultivators poor and improvident. Under such circumstances, it has been thought there were no means of securing to the Government a *fair* share of the surplus produce or net rent, than by taking more than the average in favourable seasons, and making corresponding reductions in those which prove unfavourable. Annual settlements are, therefore, in this view indispensable. But such a system must necessarily operate as

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* The proprietary class, of which the Gram Adikars are the head, comprises—
The Putteedars of the North-Western Provinces.
The Bhumias in Rajpootana.
The Potails in Malwa, Guzerat, and the Deccan.
The Meerassidars, Mocuddums, and Wutturies, in the Carnatic and the Deccan.
The Vellalers of the Southern Peninsula.
The Zemindars of Bengal, &c. &c. &c.

† Large tracts of cultivable land are left waste, because not sufficiently fertile to pay for the cost of cultivation when subjected to an assessment of a *fixed proportion* of the gross produce. To this cause must, doubtless, be ascribed the vast quantity of waste land in a country so densely populated. The British system, by restricting the claim of the Government to a share of the net rent, does not encroach upon the profits of capital, and is consequently favourable to extended cultivation. Under this enlightened principle, it may reasonably be expected that in a brief period the waste land of India may be rendered productive.

‡ But the relation of the landlords to the Government was one only of the objects to be defined by the new settlement. Another object sought was to ascertain the relations of landlords and occupiers to each other, and the rights and obligations of both parties. This task has been accomplished by the completion of the revenue settlement. A survey has been made of each separate holding, and registers preserved, in which are shown—
The name of the proprietor, and the amount of assessment paid to the Government.
The name of the occupier, and the amount of rent paid to the proprietor.
The duration of the lease.
The area of the estate.
The quality of the land, &c. &c.

Ready means are thus possessed of verifying all particulars relating to landed property; and as the mass of litigation is connected with land tenures, such records go far to render the administration of justice simple and effective.

as a bar to agricultural improvement. It is obvious that but for the remissions, the land is over-assessed: it has, consequently, a very low marketable value.* Farming capital is borrowed at enormous rates of interest, not upon the security of the land, but solely upon the crop of the current year—a very uncertain one. Farming thus becomes a matter of wild speculation; and the net rent is divided, not between the Government and the cultivator, but between the Government and the usurer.

The character of this paper will not admit of any discussion of the question, *Whether the rent belongs of right to the Government?* It may, however, be noticed, that neither zemindar nor village headman, nor putteedar, nor talookdar, claim exemption from the payment of land assessment, except under a grant from the British Government, or one of its native predecessors.

THE MAHOMEDAN SYSTEM.

The Mogul Government was obviously entitled to the whole of the net rent, according to the Hidaya:—

"This tax ought not to exceed what the land *can afford to pay.* Our jurists have decided that the utmost which the land *can afford to pay is one-half* of the produce, and more than this ought not to be taken. If the land cannot afford to pay one-half, the prince must take less, for to take less is lawful; but to take more than the half is not lawful."

THE HINDOO SYSTEM.

The ancient Hindoo Governments are represented to have been entitled to a sixth, or at most a fourth of the gross produce of the land; but with regard to the practice of these governments, it appears, upon the authority of Sir Thomas Munro, that in the districts of the Hindoo chieftains of the Northern Circars, descended from the ancient sovereigns of Orissa, and in other Hindoo States, the *same rate of assessment prevails as in other parts of India,* fluctuating from two to three-fifths of the gross produce.

The first Regulation of the British Government (No. I. of 1793) declares it to be notorious that from the earliest times to that period the assessment was liable to increase, at the discretion of the native rulers; and Regulations of a somewhat later date reiterate the declaration that Scindia, the Peishwa, and other native powers, all exercised a despotic authority in fixing and again altering the assessment.

THE BRITISH SYSTEM.

A principle or rule of the land assessment has at length been defined by the British Government. *It is not to exceed two-thirds of the net rent.* †

The following Return of the Land Revenue, Area, Population and other statistical particulars connected with the North-Western Provinces, has been prepared from information collected during the recent revenue settlement of that portion of India. No means exist in this country for the preparation of similar statements for the Lower Provinces of Bengal, or for the Presidencies of Madras and Bombay:—

NORTH-WESTERN PROVINCES.

Number of Townships	80,883	
Area in Acres	46,070,658	
LAND ASSESSED TO REVENUE:	Acres.	
Cultivated	23,112,183	
Culturable	9,816,749	
		32,928,932
LAND UNASSESSED:		
Rent-free	1,733,443	
Barren	11,408,283	
		13,141,726
TOTAL Area in Acres		46,070,658
		Rupees.
Demand on account of Land Revenue		4,05,29,921

	R.	A.	P.
Rate per Acre on Total Area	0	14	1
On Total Assessed Land	1	3	8
On Total Cultivation	1	12	1

* Or rather none at all. Where the Government assessment is moderate, but its payment peremptorily enforced, the revenue is safe, because the proprietor of land having in it a beneficial interest, the value of which can be precisely ascertained, may in case of necessity borrow on a security perfectly unexceptionable, or, if requisite, he may sell. The crops may fail in one year, but on the average matters will right themselves, the good years making up the deficiency of the bad.

† *See* Directions to Revenue Settlement Officers, as above.

Appendix C.

POPULATION:

Hindoo:		
Agricultural - - - - - - -	13,127,956	
Non-Agricultural - - - - - -	6,324,690	
		19,452,646
Mahomedan and others:		
Agricultural - - - - - - -	1,596,277	
Non-Agricultural - - - - - -	2,150,745	
		3,747,022
TOTAL Population of the North-Western Provinces - -		23,199,668

Number of Persons to each Square Statute Mile - - - -	322·3
Number of Acres to each Person - - - - - - -	1·99
Average Amount of Revenue per Head - - - - - -	1·742

NATIVE AGENCY.

THE principle of Indian administration, from the time of Lord Wellesley* to that of Lord William Bentinck, was the transaction of public business by means of European agency. The experiment resulted in disappointment, inasmuch as it was impossible to carry it out otherwise than very imperfectly, except at an enormous expense. Another mode, that of employing native agency to a large extent, was more readily available. Native functionaries might be obtained on lower terms, and in familiarity with the vernacular languages and insight into native character, they would enjoy an advantage. It was feared; however, that they could not be trusted; and if remunerated at the low scale formerly allotted to them, and unwatched by any superior, the apprehension was not unreasonable. The problem was to unite economy and despatch with efficiency and integrity, and the solution is found in the extensive employment of native agency, subject to careful European supervision. This has been tried, and works well.

The change has taken place within the last 20 years, during which period several new offices of trust and emolument have been opened to the natives of India, and those previously allotted to them have been materially advanced both in emolument and responsibility.

The principal offices now filled by natives of India, independently of the Hindoo and Mahomedan law offices of the Judicial Courts, which are of old standing, are those of—

Principal Sudder Aumeen.
Sudder Aumeen.
Moonsiff.
Deputy Magistrate.
Deputy Collector.

The Principal Sudder Aumeens in Bengal are divided into two classes.

The first class receive - - - - -	£.720	per annum.
The second class - - - - - - -	480	"
In Madras they receive - - - - - -	600	"
In Bombay - - - - - - - - -	600	"

Sudder Aumeens.

In Bengal - - - - - - - - -	£.300	"
Madras - - - - - - - - -	240	"
Bombay - - - - - - - - -	420	"

Moonsiffs.

From £.100 to £.200 per annum.

Deputy

* The duty and policy of the British Government in India, therefore, require that the system of confiding the immediate exercise of every branch and department of the Government to Europeans educated in its own service, and subject to its own direct control, should be diffused as widely as possible, as well with a view to the stability of our own interests, as to the happiness and welfare of our own subjects.—Desp. vol. ii. p. 326.

Deputy Collectors.

From £.360 to £.600 per annum.

In the Lower Provinces of Bengal there are 420 natives in Government employ, of whom—

1	receives	£. 1,560	per annum.
1	"	900	"
8	"	£.720 to 840	"
3	"	600 to 720	"
54	"	480 to 600	"
28	"	360 to 480	"
325	"	24 to 360	"
420			

In the North-West Provinces there are (exclusive of East Indians) 864 natives in Government employ, paid as under:—

7	receiving each	£. 720 to 780	per annum.
4	"	600 to 720	"
23	"	480 to 600	"
12	"	360 to 480	"
818	"	24 to 360	"
864			

In the Punjab, the salaried natives are 258 in number, receiving from 24 *l.* to 600 *l.* per annum each.

In Madras the number is 199, receiving from 960 *l.* to 24 *l.* each.

In Bombay there are 594, receiving from 600 *l.* to 24 *l.* each.*

Civil justice, in fact, is almost wholly dispensed by native judges. They are distributed into three grades—Principal Sudder Aumeens, Sudder Aumeens, and Moonsiffs. The jurisdiction of the two lower grades is limited to suits in which the matter in dispute does not exceed a certain value, the limit being of course higher in regard to the upper of these two grades than to the inferior. To the jurisdiction of the highest native judge there is no such limit. To these different classes of native judges is entrusted the original cognizance of all civil suits; and no person, whether British or native, is exempt from their jurisdiction.

The first grade of native judges (Principal Sudder Aumeens) may sit in appeal from the decrees of the two inferior courts; and as the law, except in special cases, allows but one trial and one appeal, the power of final decision in by far the larger number of suits rests with native judges.†

Further, suits wherein the amount in dispute exceeds 500 *l.* may be tried either by the Principal Sudder Aumeen or by the European Zillah Judge, if he so please. But in either case an appeal lies only to the highest Company's Court, the Sudder Adawlut.‡ Here then the native judge exercises the same extent of jurisdiction as the European functionary. Native and British qualification and integrity are placed on the same level. The suits now entrusted to a head native judge were confided, before the passing of Act No. 25 of 1837, to no officer below a European provincial judge.

The

* If the value of money be estimated by the wages of labour in the two countries, it would appear that its worth is about seven times greater in India than in England. The rate of wages issued to 2,000 men employed on the Calcutta and Bombay mail-road is three rupees, or 6*s.* per month each; and assuming the rate of wages in England at 10*s.* per week, 24*l.* in India is equal to 168*l.* in England.

† A. sues B. for a debt of 10*l.* The suit is instituted in the Moonsiff's court, and conducted by a vakeel, or pleader. The pleadings and motions may be submitted in writing, the pleader merely examining the witnesses, or he may have recourse also to oral pleading. The judge is required by law to record his decision, and the reasons for it, upon the face of his decree. The dissatisfied party may appeal from the decision to the European judge of the district, who either hears the appeal himself or refers it to his Principal Sudder Aumeen. The decision in either case is final, except upon a point of law, when a special appeal lies to the Court of Sudder Adawlut, and thus the proceedings of the subordinate courts are brought under supervision.

‡ The course of proceeding in such cases is as follows: C. sues D. for 1,000*l.* The suit must be instituted in the court of the head native judge; and if not withdrawn by the European judge of the district, it is tried by the native judge. The appeal in either case lies to the Sudder Adawlut, from whose decision, however, there is an appeal to the Queen in Council, in all cases where the value in dispute amounts to 1,000 *l.*

Appendix C.

The number of appeals affords evidence of the feeling of the people in respect to the administration of the law. The number affirmed and reversed is evidence of the qualifications, intellectual and moral, of the native functionaries as estimated by their superiors. The proportion of appeals to original decisions in the suits disposed of in the North-Western Provinces for seven years is about 15 per cent.; the proportion of decisions reversed in the original suits is little more than four per cent, as shown in the following Table:—

	Original Suits decided on Merits		Appeal Suits		Reversals.	Proportion of Reverses to Original Suits.
	By Zillah Judges.	By Native Judges.	By European Judges.	By Native Judges.		
1843	31	39,181	4,505	3,083	2,301	5¾ per cent.
1844	17	40,213	4,397	2,902	2,020	5 „
1845	10	40,579	3,980	2,809	1,895	4½ „
1846	3	41,775	3,900	2,392	1,676	4 „
1847	8	43,169	3,608	2,559	1,673	3¾ „
1848	11	41,340	3,977	2,916	1,736	4 „
1849	20	44,933	3,802	3,674	2,042	4½ „

By a more recent enactment, natives of India are eligible to the office of deputy magistrate. They are competent in that capacity to exercise the powers of the European covenanted assistant, and even under orders of the local government, the full powers of magistrate. When entrusted with the latter, their power of punishment extends to three years' imprisonment, and they are also competent, in cases of assault and trespass committed by Europeans natives, to inflict a fine to the extent of *Rs.* 500, and to imprison for the period of two months, if the fine be not paid. Natives are frequently invested with full powers of magistrates.

Native deputy collectors are subordinate to the European collectors, but they are competent to transact any of the duties of the collector. Their proceedings are recorded in their own names, and on their own responsibility.

The selection and promotion of native judicial functionaries are regulated as follows:

NORTH-WEST PROVINCES.

Vakeels or pleaders, before obtaining diplomas, must have passed an examination before a committee, consisting of the European Revenue Commissioner, the European Judge of the district, the Principal Sudder Aumeen, the principal of the college or other educational establishment at the station, and such other officers as may be appointed by the Government.

The examination may be presumed to be of stringent character, from the following results:—

In 1852. At *Agra,* twenty-seven candidates presented themselves for examination,—*none* passed.

Bareilly, forty-eight candidates, of whom *two* passed.

Benares, seventy-two, of whom *four* passed.

The Moonsiffs (lowest grade of native judges) are selected from the vakeels, and appointed by the Court of Sudder Adawlut.

The Sudder Aumeens are selected from the Moonsiff class by the Sudder Adawlut, and appointed by the Government.

The Principal Sudder Aumeens are selected from the class of Sudder Aumeens, and appointed by the Government.

The service is one of gradation, but not of seniority, the superior ranks being filled up by the most efficient men of the inferior.

CIVIL SERVANTS.

Civil servants are prepared for the higher offices in Bengal by previous instruction in this country. At Haileybury the basis of education is European literature and science (classics and mathematics), to which is added the study of the general principles of law, together with political economy, history, and the rudiments of the Oriental languages.

At

Appendix C.

At the College of Calcutta the studies of the civilian are resumed, and directed to the mastery of the vernacular languages, the acquisition of the principles of Mahomedan and Hindoo law, and a familiarity with the Regulations and the Legislative Acts of the Indian Government; the object of the two institutions being to combine the education of an English gentleman with the qualifications of the native law officer.

Upon passing his college examination, the civilian commences his career in the public service as assistant to a collector and magistrate. He is thus engaged alternately in the judicial and the revenue line. In his magisterial capacity, he takes the deposition of witnesses, and prepares cases for the decision of his superior; or he hears and determines, subject to revision, cases specially made over to him by the magistrate. His power of punishment extends to two months' imprisonment, a period which, when he is entrusted with special powers by the Government, is enlarged to 12 months. As assistant in the Revenue Department, he decides petty claims relating to arrears or exactions of rent.

After this apprenticeship of several years, the assistant is regarded as a candidate for promotion. He is then subjected to a further examination, with a view of testing his knowledge of the languages and the laws of the country; and his promotion is made dependent on the success with which he passes the test. That the examination is severe and searching may be gathered from the fact, that of 20 civilians who came up in 1852, seven only were passed. A successful candidate is then deemed qualified for the office of collector or magistrate.

As magistrate, he directs the police operations of his district, and takes cognizance of all criminal matters. The law provides for his dealing with certain classes of offences, but limits his power of punishment to three years' imprisonment. Parties charged with graver crimes are committed by him to take their trial before the Sessions Court.* In certain cases the magistrate may inflict corporal punishment, not exceeding a few stripes, and no other punishment is then superadded. Appeals from his sentences, or from those of his assistant, when vested with special powers, lie to the Sessions Judge.

As collector, he has charge of the district treasury. He superintends the collection of the Government rental; puts in execution coercive measures against defaulters; sells estates for arrears of revenue; and manages those escheated or bought by Government. He superintends the partition of estates, and regulates the distribution of the Government assessment among the several subdivisions. He also exercises judicial powers in settling, by summary process, disputes among the agricultural community regarding rents.

After further experience, the civilian is promoted to the judicial chair.

The Civil Judge presides over the Civil Courts in his district, and supervises the dispensation of justice by his native functionaries. It is competent to him to withdraw suits from the courts below, and to try them himself.† He hears appeals from the decisions of his principal Native Judge, when the matter in dispute does not exceed the value of 500*l.*; but he may transfer appeals from the decisions of the other subordinate courts to the file of the principal Native Judge.

In the Sessions Court the Judge is required to try all persons committed for heinous offences by the magistrates. He has not the power of life and death, but his jurisdiction extends to 16 years' imprisonment.‡ All capital cases after trial must be referred for the disposal of the Nizamut Adawlut; as also those cases in which the Sessions Judge dissents from the opinion of his Mahomedan law officer. Persons not professing the Mahomedan faith are not to be tried under the provisions of the Mahomedan law, but under the regulations, the Judge being assisted by a punchayet or assessors, or a jury, but having power to overrule their opinion. The Sessions Judge holds a monthly gaol delivery, though, in fact, he may be said to be constantly sitting. He sits in appeal from sentences passed by the magistrates and their assistants.

The

* British subjects guilty of felony or other grave offences are committed for trial before the Queen's Court. In cases of assault and trespass, they are subject to the jurisdiction of the magistrate (European or native), which extends to the imposition of a fine of *Rs.* 500, and to imprisonment for two months if not paid. An appeal from the decision of the magistrate lies to the sessions judge, and the case, if so appealed, is not liable to be removed to the Queen's Court by a writ of certiorari. Further, Europeans, by being rendered subject to penal recognizances for the maintenance of the peace, are virtually amenable to the jurisdiction of the Mofussil police.

† In the trial of civil suits, original or appeal, it is competent to the European judge to avail himself of the assistance of natives in one of the three following modes:—

1st. By a punchayet, who conduct their inquiries on points submitted to them apart from the court, and make their report to the judge.

2d. By assessors, who sit with the judge, make observations, examine witnesses, and offer opinions and suggestions.

3d. By a jury, who attend during the trial, and after consultation deliver in their verdict.

But under all the modes of procedure described in the three clauses, the decision is vested solely and exclusively in the judge.

‡ The great length of the terms of imprisonment in India is one of the vestiges of a barbarous law, or rather a consequence of its abolition. In 1793 the punishment of mutilation was abolished, and it was then ordained that if a prisoner be sentenced by the *futwa* of the Mahomedan law officer to lose two limbs, he should in lieu thereof be imprisoned for 14 years, and if sentenced to lose one limb, to seven years. Under a later law it is competent to the judge to impose two years' additional imprisonment in lieu of corporal punishment.

A reduction in the terms of imprisonment has been repeatedly urged upon the Government of India by the home authorities.

Appendix C.

The Sudder Dewanny Adawlut, the highest of the Company's Courts, is composed of the Judges selected from the Civil and Sessions Judges. It has ceased to exercise any original jurisdiction. It is the court of final appeal in the Presidency, and controls all the subordinate civil tribunals. Besides regular appeals from the original decisions of the European Zillah Judge, and in certain cases from those of the Principal Sudder Aumeen, the Court is competent to admit second or special appeals from decisions of the Courts below on regular appeals. The grounds for special appeal are when the judgments shall appear inconsistent with law or the practice or usage of the Courts. The power thus given to the Sudder Court of hearing special appeals extends their means of supervision, and brings judicially before them the proceedings and decisions of all classes of judicial officers, and affords opportunity for correcting errors and ensuring consistency, it being one of their duties to regulate the practice and proceedings of the lower Courts. Moreover, each judicial officer is required by law to record his decisions and the reasons for them in his own vernacular tongue; and this affords the Sudder Court extended means of judging correctly of the individual qualifications of their subordinates. The Sudder Court sits daily, except during the Dusserah and the Mohurrum,* when all civil proceedings are suspended. In the trial of appeals, the proceedings of the lower tribunals are read before one or more Judges. A single Judge is competent to confirm a decree. Two or three sitting together must concur for its reversal, whether the appeal be regular or special. Decisions of the Court in suits exceeding in value 1,000*l.* may be carried by appeal before the Queen in Council. Monthly reports are received of the state of business from every district, and an annual report is made to Government of the administration of civil justice, both in the Sudder Court and in its subordinate Courts.

The Nizamut Adawlut.—The Judges of the Sudder Dewanny are the Judges also of this Court. The Nizamut has cognizance in all matters relating to criminal justice and the police of the country; but it exercises no original jurisdiction. Appeals from the Sessions Judges lie to this Court; but it cannot enhance the amount of punishment, nor reverse an acquittal. The sentences of this Court are final. In cases of murder and other crimes requiring greater punishment than 16 years' imprisonment (which is the limit of the Sessions Judges' power), all the proceedings of the trial are referred for the orders of the Nizamut. The Mahomedan law officer of this Court (unless the futwa be dispensed with) first records his judgment, and all the documents are then submitted to the Judges of the Nizamut. If the case be not capital, it is decided by the sentence of a single Judge. Sentences of death require the concurrence of two Judges.† Trials before the Sessions Judge for crimes punishable by a limited period of imprisonment are also referred, as already intimated, for the disposal of the Nizamut, in cases where the Sessions Judge differs from the opinion of the Mahomedan law officer. As in civil matters, monthly abstracts of all trials are laid before the Judges of the Court sitting together, when the proceedings of the Sessions Judges are reviewed. In sentences of acquittal which may be disapproved, though the Nizamut cannot interfere so as to affect the sentence, the Judge is admonished.

REVENUE COMMISSIONERS AND BOARD OF REVENUE.

In Bengal and the North-Western Provinces there are Revenue Commissioners, a class of officers superior to Collectors, each of whom has authority extending over a division comprising several collectorates; his duty being that of watching the proceedings of the Collectors therein, and ascertaining that in every respect they are regular and consistent with just principles of administration.

All matters relating to the settlement, collection and administration of the revenue ultimately fall under the superintendence and control of a Board of Revenue, which exercises a general supervision over the proceedings of Commissioners and Collectors. Some arrangements, not dissimilar, exist for the like purposes under the other Presidencies. Appointments to the Revenue Board, and also to the office of Revenue Commissioner, are made by selection from civil servants employed in the Revenue Department.

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* The Dusserah is a Hindoo festival continuing for 10 days, which are appropriated to religious ceremonies.

The Mohurrum is a fast kept by Mahomedans in commemoration of the death of Hossein and Hassein, the two sons of Ali by his cousin Fatima, the daughter of Mahomet.

† If the Judges of the Nizamut concur in the verdict of the lower court, and the prisoner be considered deserving of a higher degree of punishment than could be awarded by the Sessions Judge, he may be sentenced to suffer death, or to undergo imprisonment for 21 years; but if sentenced to imprisonment for life, then transportation for life, either to the penal settlements of Singapore, Penang, or Malacca, the Tenasserim Provinces, Arracan or Aden, would be substituted; but no native of India can be transported to New South Wales or the adjacent islands.

LANGUAGES.

The Oriental languages taught at Haileybury are—
Persiah,*
Oordoo, or Hindostanee,
Sanscrit, and
Teloogoo.

Instruction is also afforded, at the desire of the student, in—
Arabic,
Bengalee,
Hindee, and
Mahratta.

In India, civil servants are required to pass an examination in two languages; viz.—

BENGAL:—
North-West Provinces—Persian and Hindee.
Lower Provinces—Bengalee, with either Persian or Hindostanee.

MADRAS:—
Tamil and Teloogoo.
Encouragement is held out to acquire a third language—
Canarese, Malayala, or Hindostanee.

BOMBAY:—
Hindostanee, with either Mahratta or Guzerattee.

ARABIC is the key to Persian, Oordoo or Hindostanee, Pushtoo, and Sindhee. It is the repository of the Mahomedan faith, and of the laws and civil regulations of Mussulmen.

SANSCRIT is the parent of the dialects of Upper India:—

Hindee,	Cutchee,
Bengalee,	Boondela,
Punjabee,	Brig Bhakhur,
Mahratta,	Ooriya, and
Guzerattee,	Assamese, are all its derivatives.

The dialects of Southern India; viz.—
Teloogoo,
Tamul,
Canarese,
Malayala, and
Cingalese, are also closely dependent upon it.

It is the storehouse of the religious ceremonies of the Brahmin, and the language of the laws of Menu, which may be regarded as the basis of the actual civil law of the Hindoo, and the mainspring of his daily avocations.

Oordoo or Hindostanee, the common language of Mahomedans throughout India, is the primitive † language of the Hindoos, modified by those ‡ of their Mahomedan conquerors. The account given of the Oordoo language is as follows:—

"When Akbar succeeded to the throne of Delhi, A.D. 1555, various races, Hindoo and Mussulman, presented themselves in the royal city. They differed in language and dialect; but when they came to live and traffic together, one language, termed Oordoo, became definitively fixed."

The aborigines of India are found chiefly in the districts of the south-west frontier of Bengal. Little is known of their aboriginal tongue, designated the language of the "Coles." It is from the hill coolies of these tracts that the emigrants to the British colonies have been principally furnished.

The native languages into which the Legislative Acts of the Governor-general in Council are translated for the benefit of the community are—
Persian,
Bengalee,
Oordoo, or Hindostanee.

As a medium for affording useful information to the native officers of Government, *Gazettes* are published in the Bengalee and Hindostanee or Oordoo languages, for official notifications.

In

* Though the use of Persian has been abolished in the courts of the East India Company, a knowledge of that language is indispensable, inasmuch as Bengalee (as spoken by the lower orders), and Hindostanee or Oordoo, are both largely mixed up with Persian.

† Hindee.

‡ Arabic and Persian; thus, as the English language was formed from the union of Saxon and Norman French, so Oordoo or Hindostanee is the fusion of Persian and Arabic with Hindee.

Appendix C.

In 1837 the use of the Persian language in the judicial courts of the East India Company was abolished, and the vernacular of each district substituted. Judicial decrees, embracing the points to be decided, the decisions thereon, and the reasons for such decisions, are now required to be written, first in the language of the judge (European or native), and subsequently translated into the vernacular of the district in which the suit has been decided.

TRADE AND NAVIGATION.

WITHIN the last 20 years, several restrictions which impeded the growth of commerce have been removed, and India may now be said to enjoy free trade. This state of things has been brought about by—

1st. The abolition of transit or inland duties.*

2d. The removal of export † duties on the staple articles of sugar and cotton.

3d. The equalization ‡ of duties on the cargoes of British and foreign ships.

By the abolition of inland duties, the transit of produce for home consumption was rendered free, and a fresh impetus given to the internal trade of the country.

By the withdrawal of export duties on sugar and cotton, the staple produce of India is enabled to compete in foreign markets with the like productions of other countries.§

By abolishing the distinction between British and foreign ships, the latter, previously discouraged from resorting to India by the imposition of double duties, now enter the ports of India on the same terms as their British competitors, and thus afford a vast addition to the means of transport, and an incalculable increase of facilities for its commerce. The same Act (6 of 1848) removed the impediments which obstructed the coasting trade, by abolishing the levy of duty on goods conveyed from port to port.|| Further,—Asiatic sailors or Lascars, being natives of India and under the government of the East India Company, are now deemed *British* seamen.¶

The degree of expansion resulting to the commerce of India from these measures may be seen from the following comparative statement:

IMPORTS INTO INDIA.**

	Merchandize.	Treasure.	TOTAL.
	£.	£.	£.
1834-35 -	4,261,106	1,893,023	6,154,129
1849-50 -	10,299,888	3,396,807	13,696,696

EXPORTS.

	Merchandize.	Treasure.	TOTAL.
	£.	£.	£.
1834-35 -	7,993,420	194,740	8,138,160
1849-50 -	17,312,299	971,244	18,283,543

Inland

* Transit or inland duties were abolished in—
Bengal by Act 14 of 1836.
Madras „ 6 of 1844.
Bombay „ 1 of 1838.

† The export of *Sugar* to British ports was rendered free of duty under the Tariff Act 14 of 1836. *Cotton* was exempted from export duty by a notification of the Indian Government, dated 31st December 1847.

‡ *Vide* Act of the Government of India, No. 6 of 1848.

§ The chief remaining *staple* products upon which export duties are now levied are Silk and Indigo; but in repect to Indigo it may be stated, that India produces about five-sixths of the total supply, and a considerable export duty may therefore be levied without affecting the demand, or interfering injuriously with the interests of the producer.

|| *Vide*, also, Act of the Government of India, No. 5 of 1850.

¶ *Vide* 12 & 13 Vict. c. 29, s. 8.

** The import duty on British manufactures (except cotton thread) amounts to 5 per cent.; on cotton thread, 3½ per cent.; on foreign manufactures, 10 per cent.

Inland customs lines have been established in the interior of the country, between British possessions and the territories of native chiefs. The rates of duty levied nearly correspond with the sea duties. Appendix U.

Although the exports and imports of India have been subject to fluctuation, it will be seen, upon reference to the annexed table, that upon the whole the increase is very considerable. The amount of both imports and exports in the last year of the series is more than double that of the first. Hence it is clear that while the Government revenue has benefited, the people have prospered. It is shown that there has been a greatly increased surplus produce for exportation; and that there is an increased power of consumption is indicated by the imports.

Appendix C.

VALUE of the IMPORTS between the several Presidencies of BRITISH INDIA and the United Kingdom and other Countries, in each Year, from 1834–35 to 1849–50.

	MERCHANDIZE.						TREASURE.				MERCHANDIZE AND TREASURE.			
	Bengal.	Madras.	Bombay.	TOTAL: United Kingdom.	TOTAL: Other Countries.	TOTAL Merchandize.	Bengal.	Madras.	Bombay.	TOTAL.	Bengal.	Madras.	Bombay.	GRAND TOTAL.
	Rupees.	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*
1834–35 - -	1,99,91,307	50,32,900	1,75,86,858	2,68,22,216	1,57,88,849	4,26,11,065	64,62,248	15,31,150	1,09,36,835	1,89,30,233	2,64,53,555	65,64,050	2,85,23,693	6,15,41,298
1835–36 - -	2,17,03,613	47,23,285	2,13,91,580	3,13,54,106	1,64,64,372	4,78,18,478	68,71,687	11,27,602	1,34,65,362	2,14,64,651	2,35,75,300	58,50,887	3,48,56,942	6,92,83,129
1836–37 - -	2,78,28,965	59,70,276	2,15,70,661	3,83,05,042	1,70,64,860	5,53,69,902	61,25,274	7,59,580	1,34,76,818	2,03,61,672	3,39,54,239	67,29,856	3,50,47,479	7,57,31,574
1837–38 - -	2,46,39,050	60,39,238	1,96,46,423	3,21,06,633	1,82,18,678	5,03,24,711	1,04,88,830	12,85,429	1,46,26,754	2,64,01,013	3,51,27,880	73,24,667	3,42,73,177	7,67,25,724
1838–39 - -	2,63,21,522	64,74,021	1,96,11,224	3,50,59,300	1,73,47,467	5,24,06,767	1,21,90,314	13,11,340	1,66,07,541	3,01,09,195	3,85,11,836	77,85,361	3,62,18,765	8,25,15,962
1839–40 - -	3,34,15,915	68,33,079	1,80,63,374	4,28,94,892	1,54,17,476	5,83,12,368	1,22,67,867	11,24,062	60,60,713	1,94,52,642	4,56,83,782	79,57,141	2,41,24,087	7,77,65,010
1840–41 - -	4,59,07,555	76,89,328	3,05,62,522	6,01,43,398	2,40,16,007	8,41,59,405	91,88,079	6,81,465	79,92,989	1,78,62,533	5,50,95,634	83,70,793	3,85,55,511	10,20,21,938
1841–42 - -	4,26,29,101	67,83,268	2,84,73,284	5,43,95,648	2,34,90,005	7,78,85,653	98,96,176	6,75,609	78,41,568	1,84,13,353	5,25,25,277	74,58,877	3,63,14,852	9,62,99,006
1842–43 - -	3,91,51,858	58,11,805	3,10,72,366	5,35,49,012	2,24,87,017	7,60,36,029	1,64,87,117	7,94,130	1,71,51,669	3,44,32,916	5,56,38,975	66,05,935	4,82,24,035	11,04,68,945
1843–44 - -	4,47,44,726	65,22,637	3,69,10,611	6,34,73,490	2,47,04,484	8,81,77,974	1,75,23,763	11,52,409	2,92,70,609	4,79,46,781	6,22,68,489	76,75,046	6,61,81,220	13,61,24,755
1844–45 - -	5,93,39,902	1,04,68,940	3,77,31,817	7,95,21,795	2,80,18,864	10,75,40,659	1,58,13,651	18,85,612	1,98,25,455	3,75,24,718	7,51,53,553	1,23,54,552	5,75,57,272	14,50,65,377
1845–46 - -	5,23,26,174	84,99,134	3,00,49,486	6,47,71,431	2,61,03,363	9,08,74,794	99,10,058	17,22,976	1,33,26,552	2,49,59,586	6,22,36,232	1,02,22,110	4,33,76,038	11,58,34,380
1846–47 - -	5,31,34,429	88,18,041	2,70,14,175	6,42,04,045	2,47,62,600	8,89,66,645	1,33,62,287	14,71,994	1,45,64,943	2,93,99,224	6,64,96,716	1,02,90,035	4,15,79,118	11,83,65,869
1847–48 - -	4,67,13,614	97,66,641	2,94,95,915	5,79,02,284	2,80,73,886	8,59,76,170	74,72,234	13,21,533	1,09,40,147	1,97,33,914	5,41,85,848	1,10,88,174	4,04,36,062	10,57,10,084
1848–49 - -	4,35,60,144	94,80,720	3,04,07,178	5,51,21,104	2,83,26,938	8,34,48,042	1,41,46,091	11,71,992	2,67,26,950	4,20,45,033	5,77,06,235	1,06,52,712	5,71,34,128	12,54,93,075
1849–50 - -	5,28,31,701	90,60,046	4,11,07,139	7,57,89,807	2,72,09,079	10,29,98,886	1,21,48,653	12,14,371	2,06,05,050	3,39,68,074	6,49,80,354	1,02,74,417	6,17,12,189	13,69,66,960

Appendix C.

VALUE of the EXPORTS between the several Presidencies of BRITISH INDIA and the United Kingdom and other Countries, in each Year, from 1834–35 to 1849–50.

	MERCHANDIZE.						TREASURE.				MERCHANDIZE AND TREASURE.			
	Bengal.	Madras.	Bombay.	TOTAL: United Kingdom.	TOTAL: Other Countries.	TOTAL Merchandize.	Bengal.	Madras.	Bombay.	TOTAL.	Bengal.	Madras.	Bombay.	GRAND TOTAL.
	Rupees.	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*
1834–35 - -	4,09,20,436	88,61,079	3,01,52,688	3,05,69,730	4,93,64,473	7,99,34,203	6,65,549	10,63,776	2,18,082	19,47,407	4,15,85,985	99,24,855	3,03,70,770	8,18,81,610
1835–36 - -	5,53,72,967	1,12,14,395	4,44,77,593	3,97,53,038	7,13,11,917	11,10,64,955	5,65,994	3,15,289	1,99,810	10,81,093	5,59,38,961	1,15,29,684	4,46,77,403	11,21,46,048
1836–37 - -	6,68,82,110	1,27,88,009	5,27,31,713	4,91,54,702	8,32,47,130	13,24,01,832	16,13,164	7,26,158	3,00,018	26,39,340	6,84,95,274	1,35,14,167	5,30,31,731	13,50,41,172
1837–38 - -	6,76,53,760	96,62,085	3,51,11,956	4,35,38,221	6,88,89,580	11,24,27,801	14,04,337	10,64,318	9,37,908	34,06,563	6,90,58,097	1,07,26,403	3,60,49,864	11,58,34,364
1838–39 - -	6,79,16,215	1,02,04,828	3,96,26,650	4,51,31,593	7,26,16,100	11,77,47,693	16,27,600	9,12,371	9,39,087	34,79,058	6,95,43,815	1,11,17,199	4,05,65,737	12,12,26,751
1839–40 - -	6,80,09,258	1,22,84,678	2,83,33,520	5,96,99,519	4,89,27,937	10,86,27,456	20,00,174	12,74,464	14,30,593	47,05,231	7,00,09,432	1,35,59,142	2,97,64,113	11,33,32,687
1840–41 - -	8,06,05,651	1,04,41,658	4,35,08,533	7,05,43,881	6,40,11,961	13,45,55,842	14,62,061	8,93,005	13,09,793	36,64,859	8,20,67,712	1,13,34,663	4,48,18,326	13,82,20,701
1841–42 - -	8,06,63,841	1,24,25,824	4,51,62,511	7,12,07,484	6,70,44,692	13,82,52,176	15,91,555	18,04,81	17,54,365	51,50,757	8,22,55,396	1,42,30,641	4,69,16,896	14,34,02,933
–43 - -	7,36,34,357	1,30,19,916	4,88,63,973	5,82,09,658	7,73,08,588	13,55,18,246	7,29,341	2,53,172	11,75,453	21,57,966	7,43,63,698	1,32,73,088	5,00,39,426	13,76,76,212
43–44 - -	9,89,11,098	1,20,86,551	6,15,37,123	7,76,01,283	9,49,33,489	17,25,34,772	18,57,947	2,16,000	53,86,816	74,60,763	10,07,69,045	1,23,02,551	6,69,23,939	17,99,95,535
1844–45 - -	9,82,21,971	1,64,14,627	5,12,65,526	7,24,06,197	9,34,95,927	16,59,02,124	39,65,434	6,50,533	64,52,435	1,10,68,402	10,21,87,405	1,70,65,160	5,77,17,961	17,69,70,526
1845–46 - -	9,81,56,759	1,41,12,172	5,80,17,805	6,65,89,433	10,36,97,303	17,02,86,736	28,70,792	6,57,644	46,31,848	81,60,284	10,10,27,551	1,47,69,816	6,26,49,653	17,84,47,020
1846–47 - -	9,23,43,934	1,51,61,468	4,60,48,973	6,51,16,865	8,84,37,510	15,35,54,375	28,54,043	6,81,699	36,02,954	71,38,696	9,51,97,977	1,58,43,167	4,96,51,927	16,06,93,071
1847–48 - -	7,96,18,571	1,27,72,963	4,07,32,436	5,68,38,267	7,62,85,703	13,31,23,970	90,50,711	21,42,626	30,67,043	1,42,60,380	8,86,69,282	1,49,15,589	4,37,99,479	14,73,84,350
1848–49 - -	9,03,88,639	1,21,24,629	5,83,71,750	6,19,19,593	9,89,65,425	16,08,85,018	78,08,785	73,38,483	1,02,50,157	2,53,97,425	9,81,97,424	1,94,63,112	6,86,21,907	18,62,82,443
1849–50 - -	10,14,80,387	1,27,28,842	5,89,13,764	7,02,64,706	10,28,58,287	17,31,22,993	35,42,058	7,26,378	54,44,005	97,12,441	10,50,22,445	1,34,55,220	6,43,57,769	18,28,35,434

Note.—The Indian Port-to-Port Trade is not included in the foregoing statements.

Appendix C.

SALT.

BENGAL.

The supply of salt in Bengal is provided partly by manufacture, conducted on account of the Government,* partly by importation, and in one instance † by private manufacture, under a system of excise. The duty ‡ on all imported salt is two-and-a-half rupees per maund of 82 lbs., or about three farthings per lb. The same rate of duty is levied as excise on salt manufactured by private individuals; and the Government salt may be purchased at all times in quantities of not less than 50 maunds, at a fixed price, which is composed of the cost price, with the addition of two-and-a-half rupees per maund, or three farthings per lb. The average cost price of production § is about *Rs.* 80 per 100 maunds, or a trifle below one farthing per lb., thus making the Government selling price under a penny per lb. The supply of salt is no longer a monopoly; its manufacture and sale have not been relinquished by Government, but individuals participate in its provision, both by importation and manufacture, under a combined system of Customs and Excise.

The system of *fixed prices* and *open warehouses* commenced in 1836-37, when the previous system of *fixed quantities* and *periodical sales* was abolished. ‖

	Maunds of 82 Pounds.
During the seven years commencing with 1837-38, and ending with 1843-44, the duty on salt was *Rs.* 3. 4 *a.* per maund. The annual average ¶ quantity of salt sold and imported during that period was - - - - - - - - -	4,627,030
In November 1844, the duty was reduced to *Rs.* 3 per maund, and the annual average sale increased to - - - -	4,966,917
In April 1847, the duty was further reduced to *Rs.* 2. 12 *a.* per maund, and the annual sale amounted to - - - -	5,452,909
In April 1849, the duty was again subjected to reduction, when it was fixed for five years at its present rate of *Rs.* 2. 8 *a.* per maund.	

It will thus be seen that in the five years above adverted to, the reduction effected in the salt-tax amounted to nearly 25 per cent.; but it would appear that no further reduction can for the present be expected, consistently with the maintenance of the revenue, the last reduction, in 1849, having led to no further increase of consumption.

NORTH-WESTERN PROVINCES.

The supply of salt to the North-West Provinces is furnished partly from the Lower Provinces of Bengal, and partly from the Sambhur Salt Lake,** in Rajpootana, and other localities on the western side of India. The salt of Bengal having paid the excise or import duty of *Rs.* 2. 8 *a.* per maund, passes free into the North-West Provinces. The Sambhur and other salt, on crossing the north-western frontier customs line, is subjected to a duty of two rupees per maund, and to a further duty of half a rupee †† per maund on transmission to the eastward of Allahabad, thus coming into competition with the salt of Bengal under an equal duty of *Rs.* 2. 8 *a.* per maund.

MADRAS.

At Madras salt is manufactured on account of Government, and sold for internal consumption at one rupee per maund, or under one farthing per lb.‡‡ The duty on imported foreign

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* The manufacture is carried on, not by hired labour on the part of the Government, but by a system of pecuniary advances; the parties receiving them being bound to deliver, at a fixed price, all the salt manufactured. Probably 100,000 labourers (called molunghees) are engaged in the manufacture in the Sunderbunds.

† Mr. Prinsep's salt-works at Narrainpore.

‡ The duty is levied at the time of the clearance of the salt from the bonded warehouses.

§ The salt agencies are located along the head of the Bay of Bengal, viz. at Hidgelee, Tumlooke, Chittagong, Arracan, Cuttack, Balasore, Khoredah.

‖ As recommended by the Select Committee of the House of Commons in 1836. All the recommendations of that Committee have now been fully and fairly carried out; viz.—

1st. Open warehouses and fixed prices.

2d. Imported salt to be subjected to the same rate of duty as native manufactured salt.

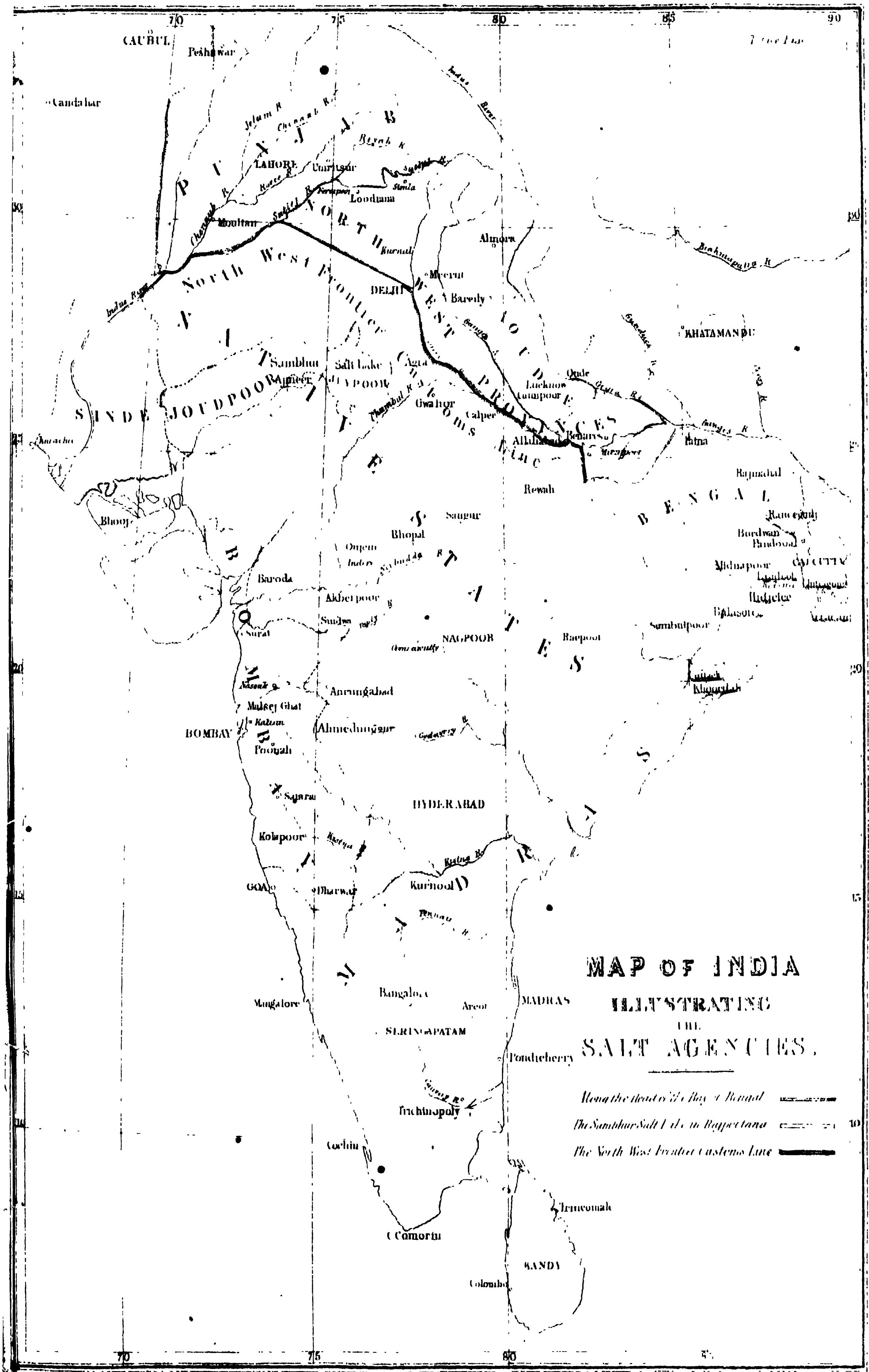
3d. The rate of duty to be fixed below the average of net profit for a series of 10 years (such average having been calculated at *Rs.* 3 per maund).

¶ These averages are exclusive of the quantities disposed of by retail sales, which cannot be given with perfect accuracy.

** The Sambhur Lake belongs to the native States of Joudpore and Jeypore.—*Vide* accompanying Map.

†† The Allahabad special duty was fixed by Act 14 of 1843 at one rupee per maund; but in 1847, and again in 1849, when reduction of duty on Bengal salt was effected, corresponding reductions were made in the Allahabad duty.

‡‡ By Act 6 of 1844, sect. 43, the selling price of the Government salt was fixed at *Rs.* 1½ per maund. It has subsequently been reduced to one rupee, by order of the Court.


MAP OF INDIA
ILLUSTRATING
THE
SALT AGENCIES.
CAUBUL
Peshawar
Candahar
PUNJAB
LAHORE
Umritsur
Loodiana
Simla
Moultan
North West Frontier
NORTH WEST PROVINCES
Kurnal
Almora
Meerut
DELHI
Bareily
KHATAMANDU
Sambhur
Salt Lake
Ajmeer
JEYPOOR
Agra
SINDE
JOUDPOOR
Gwalior
Calpee
Lucknow
Cawnpoor
Oude
Benares
Allahabad
Patna
Kurachee
Rewah
Rajmahal
BENGAL
Bhooj
Saugur
Bhopal
Oojein
Indore
Burdwan
Midnapoor
CALCUTTA
Baroda
Akberpoor
NAGPOOR
Surat
Raepoor
Sumbulpoor
Cuttack
Aurungabad
Ahmednuggur
BOMBAY
Poonah
Satara
HYDERABAD
Kolapoor
GOA
Dharwar
Kurnool
MADRAS
Mangalore
Bangalore
Arcot
SERINGAPATAM
Pondicherry
Trichinopoly
Cochin
Trincomale
C. Comorin
KANDY
Colombo

Appendix C.

foreign salt was three rupees per maund; but it has been recommended by the home authorities that the import duty should (as in Bengal) be equal only to the difference between the selling price and the cost of manufacture: the difference between the cost price and the price at which the salt is given out for consumption being the duty to be realised.

BOMBAY.

In Bombay the manufacture of salt is carried on by individuals, but subject to an excise duty of 12 annas (1 *s.* 6 *d.*) per maund,* a similar duty being imposed on imported salt. Salt exported from this presidency to Calcutta is subject to the above excise duty, but credit for that amount is given at Calcutta in the adjustment of the local duty. Facilities are also afforded for the export of salt to Malabar, Travancore, Cochin, and other places.

PUNJAUB.

The excise duty on salt at the Punjaub Salt Mines has been fixed at two rupees per maund.

English salt, it is said, may be laid down at Calcutta at 44 *s.* per ton, or about *Rs.* 80 per 100 maunds.†

According to another authority,‡ *Rs.* 65 per 100 maunds is the lowest possible rate at which the transaction could be effected. But salt from the Persian Gulf and other Arab States is laid down at Calcutta at *Rs.* 40 per 100 maunds. It is, therefore, the high cost of producing Bengal salt (*Rs.* 80 per 100 maunds) which alone enables English salt to keep a footing in the Calcutta market.

In Bengal salt is obtained by boiling the sea-water.

In Bombay and Madras the process is that of solar evaporation.

In the Punjaub it is extracted in a pure state from the salt mines.

The Sambhur Salt Lake, in Rajpootana, overflows during the rains, and when the waters subside, a deep incrustation of salt is deposited on its shores for several miles round.

Salt purchased at Calcutta at 1 *d.* per lb., the Government price, is sold at Benares (400 miles from Calcutta, where it comes into competition with the salt from Rajpootana), at 12 lbs. the rupee, or 2 *d.* per lb.; and, moreover, it is stated to be then considerably adulterated. The consumption of salt in India has been usually estimated§ at 12 lbs. per head per annum; and assuming the wages of agricultural labour || at three rupees per mensem (the rate now paid on the Calcutta and Bombay mail-road, and also to village watchmen), it would, at Calcutta, absorb the income of five days' labour to provide the quantity required for a year. The salt duty thus operates as a tax of about 1½ per cent. upon the labourer's wages, if he have none but himself to provide for. If he have a wife or children, the per-centage will of course be increased by the amount of their consumption. It is to be observed, however, on the other side, that the wife and children would generally contribute something to the common fund by the earnings of their labour, and thus again reduce the per-centage.

At Benares, the purchase of the same quantity of salt (12 lbs.) would absorb 10 days' earnings, thus constituting a charge of three per cent. on the labourer's income. But for this additional charge the Government duty is in nowise accountable. The difference in price is occasioned by the cost of conveyance, profits of trade, wastage, &c., the ordinary charges of commerce.¶

The pressure of the salt tax on the labourer cannot be regarded as severe, inasmuch as it is the only way in which he contributes to the pecuniary necessities of the State; in all other respects he is not necessarily subject to taxation.

The preceding remarks apply to the Upper and Lower Provinces of Bengal. In the territories of Madras and Bombay, the duty on salt is only about one-third of that which prevails in Bengal; but from other causes the mass of the people are believed to be in inferior circumstances to those of Bengal. In Madras they are still subject to various taxes (moturpha tax, duty on tobacco, &c.), which have been abolished elsewhere.

A comparison of the amount of salt produced, with the numbers of the population consuming it, will show that the estimate which assigns 12 lbs. as the ordinary annual consumption

* The duty on salt on delivery from salt-works was fixed, by Act 27 of 1837, at half a rupee per maund. It was subsequently increased to one rupee per maund by Act 16 of 1844, and reduced to 12 annas, its present price, by order of the Court in the same year.

† Aylwyn on Salt Trade.

‡ Calcutta Review.

§ Report of Board of Customs, Salt and Opium: Calcutta, 1819. Also, Calcutta Review, 1847.

|| In 1846, 2,000 labourers were engaged for employment on the Calcutta and Bombay mail-road at *Rs.* 3 per head per mensem. *See* also, Regulation XXII. of 1816, sect. 4.

¶ Of these the principal item is cost of carriage; but on the completion of the railway now in progress, this will be greatly reduced in the districts which it traverses. It is computed that the expense of conveying a ton of merchandize will not exceed 2 ¾ *d.* per mile; consequently salt may be carried from Calcutta to Benares for one halfpenny per lb.

Appendix C.

tion of an individual is nearly in correspondence with fact. The quantity of salt sold wholesale and retail, or imported, was, in 1846–47, as under:—

	Maunds of 82 Pounds.
Bengal - - - - - - - - -	6,166,258
North-West Provinces - - - - - -	2,670,943
Madras - - - - - - - - -	4,587,720
Bombay - - - - - - - - -	2,573,625
	15,998,546
	82
	31,997,092
	127,988,368
	1,311,880,772 lbs.

If the entire population of *British* India be assumed at 99,000,000, which, from the latest official information, may be considered as about its actual extent, the above-mentioned quantity of salt would afford to each individual about 13 lbs., the facts collected by statistical research thus corroborating an estimate founded on observation of the habits of the people.

The following Table exhibits the quantity of salt imported into Calcutta from all countries, and also from England, for the last seven years.*

	Imported from all Countries.	From England.
	Maunds.	*Maunds.*
1844–45 - - - - - - -	970,595	791
1845–46 - - - - - - -	1,581,968	502,616
1846–47 - - - - - - -	1,466,744	352,835
1847–48 - - - - - - -	1,615,084	752,998
1848–49 - - - - - - -	1,626,706	459,803
1849–50 - - - - - - -	2,126,848	624,673
1850–51 (the first six months of) - -	1,455,007	672,092

STATEMENT, exhibiting the NET REVENUE derived from SALT from all Sources; viz. Government Sales, Excise on Private Manufacture, and Customs Duty, from the year 1839–40.

YEAR.	Bengal.	North-West Provinces.	Madras.	Bombay.	TOTAL.
	Rupees.	*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*
1839–40 - - -	1,61,94,188	26,90,511	33,82,422	12,72,209	2,35,39,330
1840–41 - - -	1,63,80,084	24,43,614	30,21,805	14,58,218	2,33,03,721
1841–42 - - -	1,57,50,967	26,81,822	33,61,806	13,42,601	2,31,37,196
1842–43 - - -	1,64,33,412	25,06,731	32,10,959	16,25,339	2,36,76,441
1843–44 - - -	1,55,78,010	35,86,467	37,35,644	16,99,579	2,45,99,700
1844–45 - - -	1,60,42,730	47,82,645	37,81,369	18,47,502	2,64,54,246
1845–46 - - -	1,49,06,021	37,75,196	40,34,020	21,01,109	2,48,19,346
1846–47 - - -	1,62,79,725	52,47,071	39,84,188	17,77,565	2,72,88,549
1847–48 - - -	1,65,83,668	48,26,209	41,94,855	23,45,006	2,79,49,738
1848–49 - - -	1,41,44,321	45,65,642	37,69,440	21,06,865	2,45,86,258
1849–50 - - -	1,61,07,384	53,79,810	38,33,312	21,57,591	2,74,78,097†

* Board of Customs, Salt and Opium.

	Rs.
† Government Sales and Excise Duty - - - - - - - - - -	1,75,08,287
Customs Duty on importation by sea - - - - - - - - -	46,00,000
On passing North-west frontier customs line - - - - - - -	53,79,810
	Rs. 2,74,78,097

Appendix C.

COTTON.

THERE are two principal descriptions of cotton plant now cultivated in India, the indigenous and the American.

The indigenous plant of India is an annual, and succeeds best in the rich black soil found in various parts of the country. The American plant, though a perennial, is practically an annual in India.* In some parts of India it is grown successfully † on the black soil, but it thrives better on the light red lands. Each of these productions is possessed of some advantages not inherent in the other. The Indian cotton is capable of being manufactured into fabrics of extraordinary durability, and no less extraordinary fineness; its colour is superior, and on this account it is frequently used in this country in combination with American cotton, to improve the colour of the latter; but its staple is short. In addition to the greater length of staple, American cotton has further advantages over the indigenous production of India; the plant produces more flowers, and each flower a larger pod; while the quantity of seed contained in the pod is smaller and more readily separated from the fibre.

For a period of upwards of 60 years attempts have been made by the East India Company to extend the cultivation of cotton and to improve its staple, as well as the modes of cleaning and packing. Seeds from different cotton-growing countries have been procured; rewards offered to stimulate exertion; and instruments, both agricultural and mechanical, superior to those in native use, have been extensively introduced. The distribution of seed of superior quality commenced as early as 1788. In 1813 the services of an American were 1788.
obtained, with a view of furthering the desired improvement in cultivation and cleaning, and 1813.
American gins were then imported. In 1818, and again in 1831, renewed efforts were 1818.
made. At the latter period experimental farms were established in the southern Mahratta 1831.
country,‡ and in Guzerat;§ but these, after a considerable expenditure, having failed, were, in 1836, abolished by the local government. In the despatch in which the approval and 1836.
confirmation of this step were conveyed, the Court expressed anxiety "that no means should 1838.
be left untried which might be likely to assist the desirable object of improving and extending the cotton cultivation on the Bombay side of India." And in the same despatch a qualified assent was given to a proposal made in general terms by the local government, for authorising collectors to grant farms of land on favourable terms to respectable persons desirous of cultivating cotton, and, when necessary, to make to such persons pecuniary advances on security. But previously to the receipt of this permission, the Bombay Government had determined upon giving a very large measure of encouragement to this cultivation by exempting from land revenue, for five years, all lands sown with cotton in the Poona and Ahmednuggur collectorates. This proceeding was greatly disapproved by the Government of India, and on the discussion which ensued coming before the Court, their decision was given in favour of the Supreme Government. The Government of India had desired that the effect of the notice to grant the proposed exemption should be limited as much as possible; but the Court directed its immediate formal revocation, respect being had to the rights of those who might previously have taken advantage of it.

In 1839 it was determined to seek information in the cotton-producing districts of the 1839.
United States, and, if practicable, to engage *there* duly qualified persons to proceed to India for the purpose of instructing the natives in improved modes of culture and a better system of cleaning. The design was carried into effect. Ten Americans, experienced in 1840.
the management of cotton plantations, were engaged, despatched to India, and their services distributed in the different presidencies. Government farms were again established in Broach, Dharwar and Candeish, as were also experimental cotton gardens in Rutnagherry. In the last-named collectorate the cultivation of cotton was not generally practised, and after a short unsuccessful trial the experiment terminated. In Broach the culture of 1844.
the New Orleans cotton was stated to have proved a complete failure, and, notwithstanding a large expenditure, no good effects were produced on the staple of the country, beyond the limits of the farm. At a subsequent period, the farms in Dharwar 1846.
were abolished, and the contract system ‖ of cotton culture introduced both there and in Candeish, in which collectorate the soil and climate are said to be well adapted to the culture of Bourbon, Egyptian, New Orleans, and other foreign varieties of cotton.

The results of American management in the Presidency of Bombay, up to the year 1844, are exhibited in the report ¶ from Mr. W. R. Mercer, one of the American cultivators, dated Dharwar, 12th October of that year. The writer of this paper, which is marked by great 1844.
clearness,

* Neither American nor Indian cotton is cultivated on the same ground in India more than once in three years, their properties being found to exhaust the productive powers of the soil.

Evidence before Cotton Committee in 1848, Question 2110, &c.

† Dr. Royle, in Evidence before Commons' Committee on Growth of Cotton in India, 1848, Question 481.

‡ The tract of country comprehending the British districts of Dharwar and Belgaum, and various native jaghires in their vicinity, is thus denominated.

§ Guzerat comprises, in addition to the territory of the Guicowar the four British districts of Broach, Surat, Kaira, and Ahmedabad.

‖ That is, where cotton of a certain description is grown by the natives, without any interference on the part of the Government beyond an engagement to receive the produce at a fixed price.

¶ East India Company's Manuscript Documents.

Appendix C.

clearness, fairness and intelligence, affirms that Indian cotton has long been known to possess two very remarkable qualities: it "mills" or swells in bleaching, thereby yielding a more substantial fabric; it takes and retains colour better than American cotton; and it would command a good market, provided it were sent in regular supply and of uniform cleanness. Mr. Mercer further expresses his opinion, that the capability of furnishing an article suited to the manufactures of Great Britain is not limited to Broach and Surat, but extends to the whole of Candeish, the southern Mahratta country, and other parts of Western India; the capabilities of the North-Western Provinces, and large portions of the eastern and southern parts of the Madras territory being inferior. The difference of price between the cotton of Broach and Surat, being *sea-board* districts, and that of other more inland districts, he attributes to "difference of handling, and the distance and badness of the routes over which the latter travels." After discussing the comparative effects of soil, climate and culture (to the second of which he attributes great importance), Mr. Mercer comes to the conclusion that the natives of large tracts already employ a mode of cultivating the cotton plant in principle nearly the same as the American, but better suited in some respects to locality, &c.

The great inferiority of much of the Indian article, he says, is the result of what befalls it subsequent to its production in the fields, that is, in the way in which it is gathered and stored, and chiefly the way in which it is separated from the seed and prepared for market, as well as in its transmission to market. At the gathering, in his opinion, the effort for improvement should commence.

1846. Various improvements having been made in the cotton saw-gin, with a view to render it more suitable to Indian use, the Court, in 1846, desirous of arriving at a just conclusion in regard to the results, as exemplified in Bombay saw-ginned cotton, directed consignments to be made annually of 6,000 bales, to be continued for a period of three years; and in the following year, with a view of testing the capabilities of the different districts, directions were given that the annual consignment should consist of equal quantities of New Orleans and indigenous cotton, and should be drawn from the four collectorates in which measures for the improvement of the article were in progress; viz., Dharwar, Belgaum, Broach and Candeish. It may here be mentioned, that in forwarding to Bombay the account sales of this cotton, the results were stated to be highly satisfactory. Very favourable opinions were pronounced on the article by spinners and other competent judges, and the prices realized were good, for some samples high. In fact, the question as to the capability of India to produce cotton suitable for the use of British manufactures might thenceforth be considered settled.

1848. In 1848, in adverting to the promised supply from the four collectorates, the Court intimated their desire that Government should abstain from entering the market as large purchasers of cotton from American seed, if it found a ready sale among local dealers. The superiority of that cotton being generally recognized in the South Mahratta country, they were of opinion that Government might confine their operations to the supply of seed, and the introduction of improved methods of cleaning by saw-gins, &c.

1849. In the Madras territories, cotton farms were established in the districts of Coimbatore, Tinnevelly and other localities. These farms have been recently discontinued, the object for which they were formed having been fully attained, by demonstrating that the soil and climate are capable of producing cotton suitable to the British market.

It thus appears that within the two subordinate Presidencies there is a considerable extent of country, the soil and climate of which are well adapted to the growth, not only of the indigenous cotton plant, but also of the American plant. The experiments have, moreover, brought to light a fact, which might have admitted of some doubt, viz. that for the most part the Natives are well acquainted with the proper modes of cultivation, and that little or no advantage is likely to be gained from further interference with the ordinary course of agriculture and trade. An ample provision of seed of the superior kinds of cotton for the use of the cultivators (till such time as, by its general diffusion, all interference, even in this way, on the part of the Government, shall become unnecessary) seems all, as far as cultivation is concerned, that can now be beneficial.

The cleaning and packing of the cotton seem, however, still to be very far from perfect, and the introduction of improved methods continues to engage the attention of the home authorities.*

The duty on the export of cotton, and the inland transit duty, having been abolished, all the encouragement that can properly be afforded by fiscal regulations has been extended to this production. There remains another mode in which Government can promote the extension of the growth of cotton and the improvement of its quality, viz. by facilitating the construction of tramways and railroads, where the anticipated amount of traffic would justify the outlay. In some districts the expenses of cultivation and assessment are not so heavy as the expense of carriage to market.

In competition with America for the British trade, India will always have to encounter the disadvantage of distance. But it is not too much to hope that this may be greatly moderated, especially as the cotton manufactures of Great Britain appear to require new and increased sources of supply. Indian cotton is adapted to varieties of goods amounting in weight to about 75 † per cent. of the total cotton manufacture of Great Britain. The cultivation

* The services of some of the American planters, Mr. Blount, Mr. Frost, and others, have been re-engaged for the purpose of preparing machinery, superintending cotton experiments, &c. *Vide* Court's Correspondence, 1852.

† Chapman on Cotton and Commerce of India, page 4.

cultivation has to contend with sundry disadvantages,* but these are compensated by the cheapness † of the cost of production: this, in many parts of India, being only 1½ d. per lb., while in America it is from 50 to 100 per cent. more,‡ ranging from 2¼ d. to 3 d.

The power of contributing to the required supply is, however, limited by circumstances, some of which only would appear to be under control. The cotton of the Lower Provinces of Bengal is said to be unsuitable to the British market. In the North-west the experimental culture was tried to a certain extent without success, but discouraging incidents appear to have led, in some degree at least, to its somewhat premature abandonment. At Madras, improvement in quality has been simultaneous with extended cultivation; but from the latest official information it would appear that even if the whole of the lands in that Presidency adapted for the production of cotton were so appropriated, the supply, after deducting the quantity required for local consumption and export to China, would bear a very small proportion to the wants of the British market.§ Looking to existing circumstances, it will be seen that if, instead of a part only, the present entire export of cotton from Madras found its way to Great Britain, it would not furnish 2 per cent. of the supply required by the British manufacturers.

For many years past the chief supply of *Indian* cotton, both to Great Britain and the world at large, has been furnished from the port of Bombay, the greater part being raised in Guzerat; ‖ but a just view of the extent and capabilities of the whole of the cotton land lying along the Gulf of Cambay ¶ would lead to the conclusion, that the present growth of Guzerat cotton cannot be materially increased.

Taking the last four years of the Tabular Statement at the end of this paper, the export of cotton from India may be regarded as having attained an amount of between 160,000,000 lbs. and 170,000,000 lbs. per annum;** and it would not appear that in the present condition of India this supply can be greatly exceeded; for though the export of cotton from India to Great Britain fluctuates from year to year (sometimes to the extent of 60 or 70 per cent.),†† yet

* The inferior productiveness of the Indian soil and inferior yield of the cotton plant, the combined operation of the *two* causes, restrict the average out-turn to 100 lbs. of clean cotton per acre, while in America the same area gives at least double the quantity.

† Evidence before Cotton Committee, 1848. Manufacturers of coarse goods in Manchester have a table, by which they see at a glance the respective prices at which American and Indian cotton are equivalent to each other.

Evidence before Cotton Committee, 1848, Questions 632, 1206.

‡ *Vide* Bazley's Evidence, Question 769; also Memo. from Mr. Turner, Chairman of Manchester Commercial Association, page 67, note.

§ *See* Note A at the end of this Paper.

‖ The total export of cotton from India in 1849-50 was 165,665,220 lbs. The Bombay contribution to this total amounted to 150,754,963 lbs., of which 94,226,779 lbs. was the growth of Guzerat. (Report on Internal and External Commerce.)

¶ *See* Note B.

** EXPORTS to all COUNTRIES.

	Lbs.
1846-47	169,080 831
1847-48	160,317,295
1848-49	168,631,466
1849-50	165,665,220

The Exports of 1849-50 are made up as follows:

	To England.	To all other Places.	TOTAL.
	Lbs.	*Lbs.*	*Lbs.*
From Bengal	27,306	1,817,971	1,845,277
„ Madras	5,026,023	8,038,957	13,064,980
„ Bombay	105,637,028	45,117,935	150,754,963
	110,690,357	54,974,863	165,665,220

†† EXPORTS of COTTON.

	To Great Britain.	China and other Ports.	TOTAL.
	Lbs.	*Lbs.*	*Lbs.*
1848-49	67,203,519	101,427,947	168,631,466
1849-50	110,690,357	54,974,863	165,665,220

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yet it will be seen, on reference to the Tabular Statement, that the increased or diminished amount is invariably attended by a corresponding diminution or increase in the supplies to other countries, and that the aggregate annual export from India remains without variation. It may therefore be fairly inferred that the quantity of cotton which, under current prices, India can export at a profit, does not greatly exceed 170,000,000 lbs. per annum.

The average yield of clean cotton in India being not more than 100 lbs. per acre, and cotton being cultivated on the same ground once only in three years, it follows, that to produce the quantity now exported annually, an area equal to upwards of 5,000,000 of acres, or nearly 8,000 square miles, must be appropriated to the purpose.

But if by means of railroads the great cotton* field of Berar, situate within the dominions of the Nizam or Rajah of Hyderabad, were placed nearly on an equality in point of facility of transport with the maritime cotton districts, then a breadth of land sufficient for the growth of a quantity equal to the full demand of Great Britain might at once be made available. It is, however, only by means of a railroad that the territory of Berar can be placed in a position to become a cotton-exporting country.†

* Evidence before Commons' Committee on Growth of Cotton in India, Questions 1822–4850.

† *Vide* Note C. at the end of this Paper.

STATEMENT,

Appendix C.

STATEMENT, exhibiting the Quantities of COTTON EXPORTED from INDIA to GREAT BRITAIN and other Places; showing also the TOTAL IMPORTS into GREAT BRITAIN, together with the Prices of INDIAN and AMERICAN COTTON at LIVERPOOL.

YEARS.	BENGAL.		MADRAS.		BOMBAY.		TOTAL.			Total Imports into Great Britain from India and elsewhere.	PRICES AT LIVERPOOL.	
	England.	Other Parts.	England.	Other Parts.	England.	Other Parts.	England.	Other Parts.	TOTAL.		Indian.	American.
	Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Pence p' lb.*	*Pence p' lb.*
1834-35 - -	3,051,190	25,858,610	3,039,500	1,712,500	32,177,712	32,408,532	38,268,402	60,051,648	98,320,050	326,875,425	5 — 6 3/4	7 7/8 — 9 3/8
1835-36 - -	11,681,706	45,997,884	7,761,500	11,974,500	45,795,596	32,398,996	65,238,802	90,371,380	155,610,182	363,702,963	6 1/4 — 7 1/2	8 — 10 1/2
1836-37 - -	1,586,408	34,546,456	8,316,000	18,873,500	68,163,901	47,091,927	78,066,309	100,511,883	178,578,192	406,959,057	4 — 7	8 — 10 1/4
1837-38 - -	380,074	16,040,490	1,256,500	3,908,000	38,100,472	59,062,914	39,737,046	79,011,434	118,748,480	407,286,783	2 3/4 — 4 3/4	4 7/8 — 7 1/2
1838-39 - -	293,350	17,464,702	2,400,500	8,569,000	31,800,887	69,547,360	34,494,737	95,581,062	130,075,799	507,850,577	3 3/4 — 5 1/2	5 1/2 — 7 1/2
1839-40 - -	2,100,346	12,727,978	12,991,500	6,978,500	59,001,134	34,209,152	74,092,980	53,915,630	128,008,610	389,396,559	4 — 6 3/8	6 — 8 5/8
1840-41 - -	106,434	14,973,440	3,888,500	8,650,500	81,581,688	49,981,749	85,576,622	73,605,689	159,182,311	592,488,010	3 7/8 — 4 7/8	5 5/8 — 6 5/8
1841-42 - -	365,620	8,879,191	13,384,000	10,610,500	104,795,091	56,221,477	118,544,711	75,711,168	194,255,879	487,992,355	3 1/2 — 5	5 3/8 — 6 3/4
1842-43 - -	158,732	14,024,418	2,629,000	21,319,500	69,839,914	81,939,416	72,627,646	117,283,334	189,910,980	531,750,086	3 1/4 — 3 5/8	4 3/4 — 5 1/4
1843-44 - -	143,142	16,404,798	1,576,500	12,933,500	91,781,824	79,662,004	93,501,466	109,000,302	202,501,768	673,193,116	2 7/8 — 3 3/4	4 — 5 1/8
1844-45 - -	109,636	16,469,184	7,166,000	18,908,500	50,854,590	70,969,407	58,130,226	106,347,091	164,477,317	646,111,304	2 1/2 — 4 1/8	3 7/8 — 5 7/8
1845-46 - -	12,154	7,691,580	3,123,000	7,160,000	40,042,243	68,248,573	43,177,397	83,100,153	126,277,550	721,979,953	2 5/8 — 3 1/8	3 7/8 — 4 1/2
1846-47 - -	- - -	9,510,814	3,466,500	9,270,000	87,607,744	59,225,773	91,074,244	78,006,587	169,080,831	467,856,274	2 5/8 — 4 5/8	4 1/8 — 7
1847-48 - -	1,624,433	11,147,072	3,147,746	6,315,332	89,429,561	48,653,151	94,201,740	66,115,555	160,317,295	474,707,615	3 1/4 — 5	4 3/8 — 7 1/8
1848-49 - -	30,513	2,907,098	3,033,728	8,257,037	64,139,278	90,263,812	67,203,519	101,427,947	168,631,466	713,020,161	2 3/4 — 3 5/8	3 1/2 — 5
1849-50 - -	27,206	1,817,971	5,026,023	8,038,957	105,637,028	45,117,935	110,690,357	54,974,863	165,665,220	775,469,000	3 — 4 1/2	4 — 6 1/2

Appendix C.

Note A.

The Board of Revenue at Madras have given the particulars of the extent of land actually producing cotton, and capable of producing it, founded on information furnished by the collectors in each district, in answer to queries transmitted by order of the Court of Directors. From the statement submitted, it appears that the present extent of cotton land annually cultivated does not exceed 676,006 acres, or 1,056 square miles. Adding that which is *said to be capable of producing cotton*, the result will be 1,010,852 acres, or 1,579 square miles. In regard to Coimbatore, the quantity of land capable of producing cotton is not specified; but making the most liberal allowance which the limits of probability will admit, and quadrupling the quantity now under such cultivation within that district, the cotton-producing land of the Madras Presidency will not in the whole exceed 1,304,340 acres, or 2,038 square miles: which, at the rate of 100 lbs. of clean cotton per acre, will yield an annual average of 130,434,000 lbs. Deducting from this amount the quantity now exported to China, and that required for local consumption, the residue would not exceed one-twelfth part of the annual requirements of Great Britain.

Note B.

Guzerat.—Extent of Cotton Land round the Gulf of Cambay.

	Miles.	
Length - - - - -	220	
Breadth - - - - -	30	
	6,600	
	640	
	¼)4,224,000	Acres; but part being unsuitable for cotton, 1–4th instead of 1–3d may be estimated as cultivated with cotton under rotation of crops.
	1,056,000	
	100	lbs. per acre.
	105,600,000	lbs. utmost yield of clean cotton in Guzerat.

Note C.

That cotton cannot be conveyed at a profit from Berar, except by railway, may be proved by the analogous case of salt.

Salt, having paid duty at 2½ rupees per maund, is sold at Benares (400 miles from Calcutta), according to the Government *Gazette*, at 12 lbs. the rupee, or 2*d*. per lb.

At Calcutta, the price of salt is 1 *d*. per lb., which is thus made up:—

Duty, at 2½ rupees per maund of 82 lbs. - - -	0¾ *d*.
Cost of manufacture - - - - - - -	0¼
	1 *d*. per lb.

The cost of conveyance of salt for 400 miles, and other necessary charges, therefore, enhance the price 1 *d*. per lb., exclusive of the gain made by adulteration, which, it is said, takes place extensively. The cost of conveying cotton could not be less,* but by railway it might be carried for 2¾ *d*. per ton per mile. Cotton might, therefore, be conveyed from Oomrawuttee, and other cotton marts in Berar, to Bombay (400 miles), for 0½ *d*. per lb.; and thus brought to market at a price ranging from 15 to 20 per cent. cheaper than at present, it would be enabled to compete with cotton from America:—

1 ton = 2,240 lbs. 400 miles, at 2¾ *d*. per mile = 1,100 *d*. or 0½ *d*. per lb.

Price of cotton, Berar - - - - - - - - -	1½ *d*. per lb.
Conveyance to Bombay per rail - - - - - -	0½ „
Freight to England at 3 *l*. per ton of 1,375 lbs. measurement -	0½ „
	2½ *d*. per lb.

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* The wastage on cotton in transit appears to be equal to that on salt. In the Revenue Letter from Madras, dated 19th September 1848, the rate of loss on cotton in transit to the place of export is stated at from 2 to 8½ per cent.

OPIUM.

BENGAL.

In Bengal, the revenue from opium is realised by means of a Government monopoly. No person within the Bengal territories is allowed to grow the poppy except on account of the Government.* Annual engagements are entered into by the cultivators, under a system of pecuniary advances, to sow a certain quantity of land with the poppy, and the whole produce in the form of opium is delivered to the Government at a fixed rate.† The engagements ‡ on the part of the cultivators are optional.

The ordinary consequences of monopoly, increase of price to the consumer, and restriction on the employment of capital and industry, are not wanting in the working of the opium revenue system. The free cultivation of the poppy would doubtless lead to the larger outlay of capital, and to greater economy in production. But the poppy requires the richest description of land, and its extended cultivation must therefore displace other products. The price, too, is almost wholly paid by foreign consumers, viz., Chinese, Malays, &c., § and in obtaining the largest returns with the smallest outlay, the best interests of India would appear to be consulted.

BOMBAY.

Opium grown and manufactured within the territories of Bombay is held to be subject to the duty of *Rs.* 12 per Surat seer, ‖ imposed by Bombay Regulation XXI. of 1827, upon opium "imported or brought into any harbour, or roads, or port, or place, either by land or sea, within the presidency of Bombay, or territories subordinate thereto;" and this duty must be paid before its removal. The object of this heavy duty is to discourage its production. The cultivation of the poppy is stated to have ceased in the district of Ahmedabad in 1839, and nearly so in those of Kaira and Candeish. In Scinde the production of opium has been prohibited. The Government purchase all that is produced in Bombay, and supply, through the licensed retailers, the quantity required for home consumption.

CENTRAL INDIA.

A large revenue is derived from the transit of the opium of Malwa through the British territories to Bombay for exportation to China. Previous to the year 1831 the British Government reserved to itself a monopoly ¶ of the article, which was purchased by the British resident at Indore, and sold by auction, either at Bombay or at Calcutta. But in that year it was deemed advisable, chiefly on account of the large quantity of opium smuggled to the Portuguese settlements of Demaun, &c., on the coast, to relinquish the monopoly, to open the trade to the operations of private enterprise, and to substitute, as a source of revenue, in place of the abandoned system, the grant, at a specified rate, of passes to cover the transit of opium through the Company's territories to Bombay. In determining the amount of transit duty, it was proposed to be guided by a comparison of the cost of transit direct to Bombay, with that of the transmission of the drug to the coast by the cheapest of the more circuitous routes through the territories of native states; and on the basis of such a comparison it was fixed at *Rs.* 175 per chest of 140 lbs. each. In 1835, the results of the preceding official year being unfavourable, the shipments of opium from Bombay having largely declined, while those from Demaun had greatly increased, the rate was reduced to *Rs.* 125 per chest.

The subjugation of Scinde afforded opportunity for the levy of a higher rate. Down to the period of that event, a large portion of the opium of Malwa had been conveyed through Scinde to Kurrachee, and thence onwards to the Portuguese ports of Diu and Demaun. That route was now closed, and it was reasonably expected that an advance might be made in the charge of passes, without risk of loss to the revenue from a diminished demand for them. The rate was accordingly increased, in October 1843, from *Rs.* 125 to *Rs.* 200 per chest.

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* The cultivation of the poppy was prohibited in Bengal by Regulation VI. of 1799, sect. 3; and in the North-West Provinces by Regulation XLI. of 1803, sect 2.

The importation of opium into Bengal is virtually prohibited, the duty being fixed at *Rs.* 24 per seer of 2 lbs., or about double the amount of its present selling price at the Calcutta Government sales.

† *Rs.* 3½ per seer, or about 3*s.* 6*d.* per lb.

‡ In the month of August contracts are entered into with the ryots, and an advance without interest of *Rs.* 4 per beega (nearly two-thirds of an acre) granted by the Government. The sowings commence in November, when another advance is made of *Rs.* 3 per beega. Again, in January and February, when the crop arrives at maturity, a third advance of about *Rs.* 3 per beega takes place to assist the cultivator in gathering the produce. The crop is collected by the end of March.

§ Under the Convention of 1815, the French Government of Pondicherry are supplied with 300 chests of opium annually, at the average price obtained at the Calcutta sales.

‖ The Surat seer consists only of 35 tolahs; the duty on opium is, therefore, somewhat heavier than in Bengal.

¶ By separate treaties with the native princes of Central India, and which were subsequently cancelled.

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chest. Upon the principle that it was desirable to fix the price at the highest amount which could be levied without forcing the trade into other channels, a further increase was made in 1845, when it was determined that the charge should be *Rs.* 300 per chest. Under the like views it was, in 1847, raised to *Rs.* 400 per chest.

Poppy seed is sown in Malwa in November; the plants are in flower in the early part of March, and from that time till the end of April the extraction of the juice proceeds. During the hot weather in May, the extracted juice is allowed to settle, and in June and early in July the cakes are manufactured.

STATEMENT, showing the RECEIPTS from the OPIUM REVENUE, from the Year 1834-35.

YEARS.	Net Receipts from Bengal.	Net Receipts from Bombay.	Total Company's Rupees.	Total £. Sterling at 2 s. the Sicca Rupee.
1834-35 - - - -	63,26,894	14,41,711	77,68,605	728,517
1835-36 - - - -	1,32,01,613	17,18,455	1,49,20,068	1,399,009
1836-37 - - - -	1,33,40,968	20,08,710	1,53,49,678	1,439,031
1837-38 - - - -	1,43,67,238	14,97,202	1,58,64,440	1,487,291
1838-39 - - - -	69,87,990	25,43,318	95,31,308	893,560
1839-40 - - - -	32,60,761	1,17,014	33,77,775	316,666
1840-41 - - - -	64,96,324	22,46,452	87,42,776	819,635
1841-42 - - - -	80,38,669	21,48,989	1,01,87,658	955,093
1842-43 - - - -	1,32,23,436	25,42,382	1,57,65,818	1,478,046
1843-44 - - - -	1,67,59,482	34,88,780	2,02,48,262	1,898,274
1844-45 - - - -	1,80,83,454	37,29,431	2,18,12,885	2,044,958
1845-46 - - - -	2,20,77,262	59,56,243	2,80,33,505	2,628,140
1846-47 - - - -	2,27,93,387	60,68,628	2,88,62,015	2,705,813
1847-48 - - - -	1,29,15,296	37,18,549	1,66,33,845	1,559,423
1848-49 - - - -	1,95,82,562	88,75,066	2,84,57,628	2,667,902
1849-50 - - - -	2,80,07,968	72,94,835	3,53,02,803	3,309,687

Note.—A chest of Bengal opium, containing 164 lbs., or 80 seers, would cost the Government, at *Rs.* 3. 8 *a.* per seer, *Rs.* 280, and sell at Calcutta for upwards of *Rs.* 900, yielding a profit of about 7 *s.* 6 *d.* per lb.

A chest of Malwa opium, containing 140 lbs., upon which the transit duty of *Rs.* 400 had been paid, would afford a revenue to Government of about 5 *s.* 8 *d.* per lb.

STATEMENT, exhibiting the Number of CHESTS of OPIUM sold in BENGAL, or exported from BOMBAY.

YEARS.	BENGAL. Number of Chests of 164 lbs. each.	BOMBAY. Number of Chests of 140 lbs. each.
1840-41 - - - - - - -	17,858	16,773
1841-42 - - - - - - -	18,827	14,681
1842-43 - - - - - - -	18,362	24,337
1843-44 - - - - - - -	15,104	13,563
1844-45 - - - - - - -	18,350	20,660
1845-46 - - - - - - -	21,437	12,635
1846-47 - - - - - - -	21,648	18,602
1847-48 - - - - - - -	30,515	15,485
1848-49 - - - - - - -	36,000	16,509*

* It is stated, that neither the price of opium, nor the extent of cultivation in Malwa, has been affected by the great enhancement of the pass-duty which has taken place since 1845.

EDUCATION.

In 1813, Parliament directed that the sum of 10,000 *l.* per annum should be set apart from the surplus revenues of India, and applied to the revival and improvement of literature.

Nothing, however, was done in consequence until 1823, when the Government of Bengal appointed a Committee of Public Instruction,* and placed at their disposal the arrears of the Parliamentary grant from the year 1821.

The sum now disbursed from the gross revenue for educational purposes amounts to between 70,000 *l.* and 80,000 *l.* per annum.

Previously to the date last mentioned, the only native educational establishments founded in India by the British Government were the Mahomedan College at Calcutta and the Sanscrit College at Benares, established respectively in 1781 and 1792.† The Hindoo College of Calcutta, though founded in 1816, was not transferred to Government superintendence until 1823. In 1835 the number of seminaries had increased to 14 ; there are now in Bengal and the North-Western Provinces upwards of 40.

In the earlier-founded colleges the studies were purely Oriental; in those subsequently established they are European. The preservation of native learning ‡ was the avowed object in the one case; the communication of useful knowledge, and the affording facilities for the study of elegant literature, were the ends sought in the other.

The instruction of the masses in this knowledge was avowedly the ultimate end to be ained; but several years were unfortunately lost, pending the result of the experiment resorted to in the first instance, of translating English literature into Arabic and Sanscrit, the classical languages of the East. Under this arrangement, before a Native student could become versed in European knowledge, it was indispensable that he should first become an accomplished Oriental scholar.§ The scheme ended in failure.

But immediately after the termination of the last Charter Act in 1834, the subject again came under consideration, and on the 7th March 1835, the Government of India passed a rsolution, substituting the English for the Oriental scheme of education.‖

The new plan offers to the Native student a complete education in European literature, philosophy

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* Subsequently merged into a Council of Education, retained by Government for advice and reference, and acting ministerially.

† The motives to the establishment of these institutions were—

1st. To gratify national predilections, and thus to gain over the learned and influential classes; and,

2dly. To secure a regular supply of Hindoo and Mahomedan law officers for the courts of law.

‡ Speaking of native literature, Bishop Heber observes:—

"The Mussulman literature very nearly resembles what the literature of Europe was before the time of Copernicus, Galileo, and Bacon. The Mussulmans take their logic from Aristotle, filtered through many successive translations and commentaries; and their metaphysical system is professedly derived from Plato. Both Mahomedans and Hindoos have the same natural philosophy, which is also that of Aristotle in zoology and botany, and Ptolemy in astronomy, for which the Hindoos have forsaken their more ancient notions of the seven seas and the six earths."

Rammohun Roy, in reference to the Sanscrit College, says:—

"It can only load the minds of youth with grammatical niceties and metaphysical distinctions of no practical use. The pupils will acquire what was known 2,000 years ago, with the addition of vain and empty subtilties."

In a despatch written in 1821, the Court of Directors observe:—

"In teaching mere Hindoo or mere Mahomedan learning, you bind yourselves to teach a great deal of what is frivolous, not a little of what is purely mischievous, and a small remainder, indeed, in which utility is in any way concerned."

§ It was urged that native co-operation would be more readily afforded by giving the preference to the learned languages of the East. Sanscrit and Arabic were to be the keys of knowledge. Students thus educated to a high standard, in both Eastern and Western learning, were to issue forth among their countrymen as authors, translators and teachers; and, from their united efforts, a new knowledge and more enlarged ideas were to be more and more diffused, until, at length, all classes should participate in the advantages of education.

‖ "His Lordship in Council directs, that all the funds which these reforms will leave at the disposal of the committee be henceforth employed in imparting to the native population a knowledge of English literature and science, through the medium of the English language."

Five years before the adoption of the English scheme, the home authorities had indicated their sentiments on its merits as follows:

"We think it highly advisable to enable and encourage a large number of natives to acquire a thorough knowledge of English, being convinced, that the high tone and better spirit of European literature can produce their full effect only on those who become familiar with them in the original language. While, too, we agree that the higher branches of science may be more advantageously studied in the languages of Europe, than in translations into the Oriental tongues, it is also to be considered, that the fittest persons for translating English scientific books, or for putting their substance into a shape adapted to Asiatic students, are natives who have studied profoundly in the original works."—Despatch, 20th September 1830.

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philosophy and science, through the medium of the English language;* it introduces him to the entire range of science and literature, so far as he is able to receive it, the limit being that alone fixed by nature in regard to his own capacity. English is now the classical language of India. Colleges and schools have been established in the principal cities and towns, and the old Mahomedan and Hindoo institutions, though upheld as seminaries of Oriental learning, have had English classes attached to them. Stipends (formerly paid to pupils without reference to ability, diligence or acquirements) have been abolished, and in lieu thereof scholarships have been founded, which can be gained only by passing a satisfactory examination. Junior scholarships are also attached to the new schools, tenable at the central college, to which the school is subordinate, and where a higher course of instruction is available.

Ten years subsequently to the adoption of the new plan, another important step was taken by the Government. With a view of fostering a general desire for education, the resolution of the 10th October 1844 was passed, promising preference of selection for public employment to students of distinguished ability. So strong is the desire to enter into the service of Government, that one of the princes of Mysore availed himself of the Government resolution, passed the prescribed examination in 1850, and offered himself as a candidate for public employment.

In its attempts to introduce and extend the pursuit of the higher branches of sound and useful learning, the Government may be regarded as completely successful. Every year will add something to the evidence of its success. But though equally zealous to communicate to the masses that more limited measure of knowledge which they require, and which it is important they should possess, the efforts of the Government in the Lower Provinces of Bengal have not prospered in like manner. Scholars have been trained, from whom the gradual formation of a vernacular literature might have been expected; but the apathy of the people would render such literature useless and unavailing for their improvement, seeing that, being destitute of the first elements of education, they would be unable to profit by that which might be prepared for their instruction. That which is wanting was something to dispel this apathy, and this in the North-Western Provinces has happily been found.

Under the New Revenue Settlement there, the rights of every cultivator, whether landlord or tenant, had been ascertained and recorded; and for the protection of their rights, a system of registration of titles to land had been introduced. The registers are open to all who choose to inspect them. But of course none but those able to read and write can avail themselves of the advantages they offer to any extent, while to the full enjoyment of them, some knowledge of arithmetic and of the principles of land measurement is requisite. The utility of knowledge thereupon presented itself to the minds of the people, and a desire was consequently manifested for its acquisition—to a sufficient extent, at least, to ascertain their rights. This stimulus was wanting in the Lower Provinces of Bengal, where the rights of the cultivators had been swept away by the permanent settlement; but in the North-West Provinces the people were rousing themselves, and actually requiring education, while in other parts of India, all the influence of Government could not secure its acceptance. Here was an admirable opportunity, and it was well improved. During the last few years the Government has met the wishes and necessities of the people in this respect, and the people have zealously seconded its exertions. The latter have been aided by pecuniary grants. The Government has also established model schools, and caused to be prepared and printed a series of books, the want of which must have frustrated the success of the movement. Vernacular schools have sprung up in various parts of the country, and a vigilant and well-organized system of inspection is maintained, so as to secure their efficiency. The more indispensable objects of instruction—reading, writing, arithmetic and mensuration—enter into the course of all; and, where practicable, a few other studies, as geography, history, &c., are admitted. Under this system, a few years must effect a vast change in the North-Western Provinces in respect to education.

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* In the Educational Report for 1849, Mr. Bethune, then filling the office of Legislative Member of the Supreme Council of India, observes:—

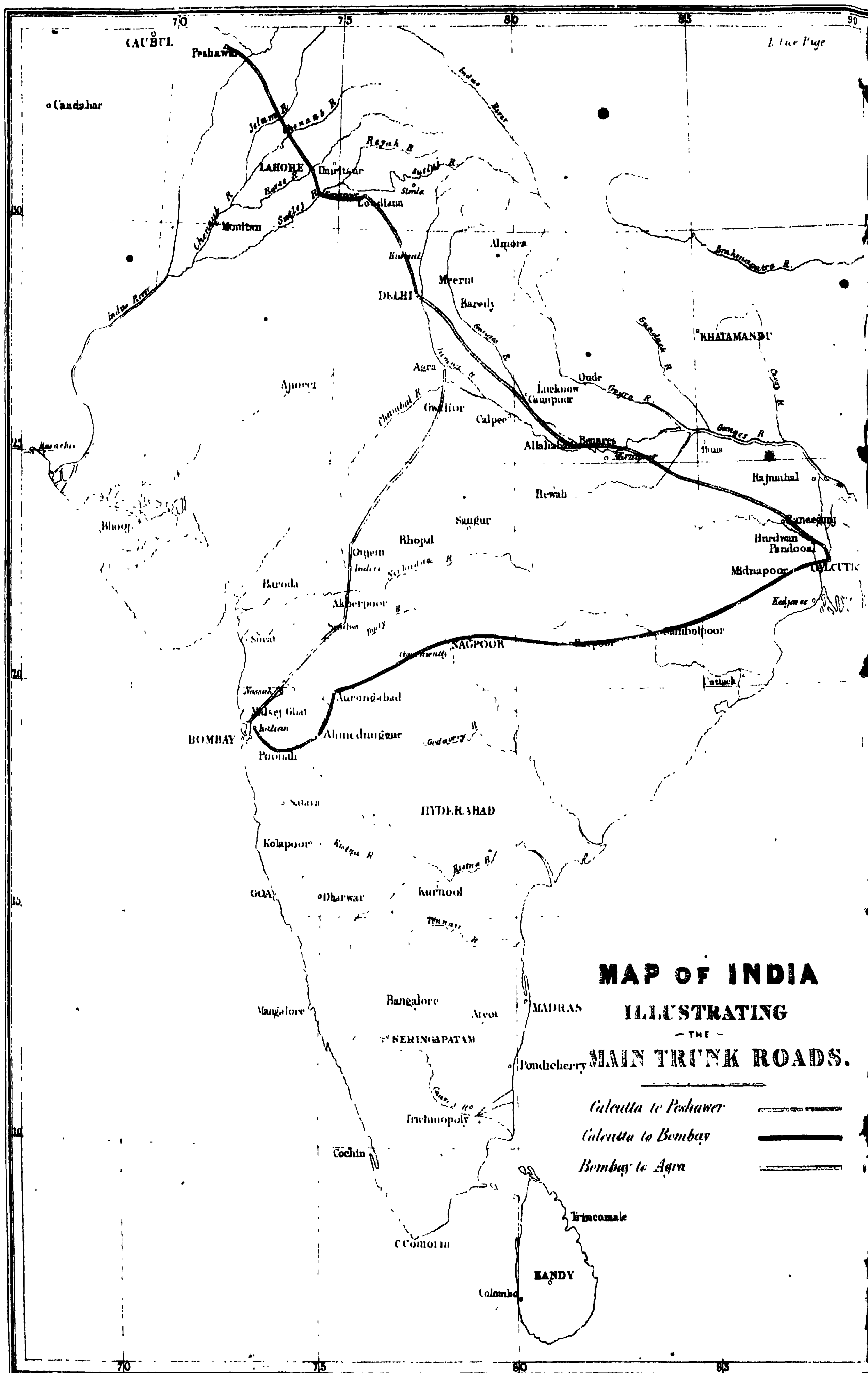
"There is no institution in England with which I am acquainted where the published answers of the students are subjected to so strict and severe a test. I have no hesitation in saying, that every succeeding examination which I witness increases my admiration of the acuteness and talent, literary and scientific, which are evinced by the educated young men of this country."

The subjects selected for the Scholarship examination of 1849, were—

Literature.—Addison, Goldsmith, Bacon, Campbell, Elphinstone. Hume and Arnold for prose and history.

Mathematics.—From Euclid to optics and astronomy.

Mental Philosophy.—Reid's Inquiry, Mill's Logic, Smith's Moral Sentiments.



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PUBLIC WORKS.

AMONG the works of public utility which have been undertaken, continued or completed by the Governments of India within the last 20 years, may be especially noticed, under—

TRUNK-ROADS.

1. The new trunk-road from Calcutta to Delhi, and thence to Lahore and Peshawur.
2. The Bombay and Agra Road.
3. The Calcutta and Bombay Mail-road.

The direction of these roads will be observed on reference to the following sketch-map:—

1st. The trunk-road from Calcutta to Delhi, and thence to Peshawur (commenced about 1836), is 1,423 miles in length, viz.:—

	Miles.
Calcutta to Delhi - - - - - - - - - - -	887
Delhi to Kurnoul - - - - - - - - - -	78
Kurnoul to Loodiana - - - - - - - - -	124
Loodiana to Ferozepore - - - - - - - -	74
Ferozepore to Lahore - - - - - - - -	50
Lahore to Peshawur - - - - - - - - -	210
	1,423

The cost of constructing this road to Delhi, including bridges, amounted to *Rs.* 81,94,104, or nearly 1,000 *l.* per mile, exclusive of the expense of convict labour: it has now been completed to Kurnoul. The road is what in India is termed metalled, or macadamized. The cost of maintaining it in repair, after completion, is estimated at *Rs.* 350 per mile, or for the whole distance about 50,000 *l.* per annum.

2d. The Bombay and Agra road was commenced under Lord Auckland's administration, in 1840. The length of this road is 734 miles; viz.:—

	Miles.
Agra to Indore - - - - - - - - - - - - -	370
Indore to Akberpore - - - - - - - - - -	51
Akberpore to Sindwa - - - - - - - - - -	43
Sindwa to Bombay - - - - - - - - - -	270
	734

This road is not macadamized, except in parts. The expense of construction amounted to 243,676 *l.*, or about 330 *l.* per mile. The cost of repair is calculated at *Rs.* 70 per mile, or for the whole distance about 5,000 *l.* per annum.

3d. The formation of the Calcutta and Bombay mail-road was sanctioned by the home authorities in 1840. The length from Calcutta to Ahmednuggur is 1,002 miles. The cost of construction was estimated at 500 *l.* per mile, or about half a million sterling for the whole. The continuation of the road from Ahmednuggur to Poona (74 miles) and thence to Bombay (94 miles) had been previously constructed.

	Miles.
Calcutta to Sumbulpore - - - - - - - - - -	307
Sumbulpore *viâ* Raepore to Nagpore - - - - - - -	339
Nagpore to Ahmednuggur - - - - - - - - - -	356
	1,002
Ahmednuggur to Poona - - - - - - - - - -	74
Poona to Bombay - - - - - - - - - - -	94
	1,170

In 1845 the Court directed that the expenditure on this line should be restricted to the formation of a road adapted to the transit of the mails. In 1846, 2,000 labourers were engaged for employment on the portion of the road between Calcutta and Nagpore; and it was

Appendix C.

was then stated that the road would shortly be placed in a most effectual state for the transmission of the mails at all seasons. Should the ultimate cost of construction be equal to the estimate sanctioned in 1840, the expense of this road will, as above stated, amount to 500,000 *l.*, or 500 *l.* per mile.

SUMMARY:

	Length.	Cost.	Annual Repairs.
		£.	£.
Grand Trunk Road (when completed to Peshawur at the same rate of cost) - - -	1,423	1,423,000	50,000
Calcutta and Bombay Road, as per original estimate - - - - - - - -	1,002	500,000	35,000
Bombay and Agra Road - - - - -	734	243,676	5,000
	3,159	2,166,676	90,000

The above have been selected only as illustrating the measures in progress for the advancement of India by means of extended and improved roads. Many similar works which, though of minor extent, are of equal utility, have been either completed or commenced.

CROSS-ROADS.

With regard to cross-roads, separate provision has been made for their improvement, and funds specially set apart for the purpose, consisting of—

1st. The net profits arising from the tolls on public ferries.

2d. (In the North-West Provinces.) The one per cent. fund paid by the landholders on the amount of the Government revenue.

The proceeds of these are carried to a general fund, and re-distributed among local committees, with the view to local improvements. The general results of the arrangement may be estimated from observing the effects in a particular district.

The amount allotted to Cawnpore, and placed at the disposal of the committee, averages *Rs.* 28,000 per annum. The grand trunk-road traverses this district, which is maintained solely at the expense of Government. But, in 1848, the committee had completed a new road from Cawnpore to Calpee. This road is 40 miles in length, and is macadamized throughout. The remaining cross-roads in this district, under the charge of the committee, measure about 300 miles, and are repaired annually upon the cessation of the rains.

Another measure recently adopted is calculated materially to improve the means of internal communication. An Act has been passed (No. 8 of 1851), empowering the several Governments to levy tolls (not exceeding the rates specified in the schedule) on roads and bridges, thereafter made or repaired at the expense of Government; the net proceeds to be appropriated to the construction of roads and bridges in the Presidency from which they are drawn. It may, therefore, be presumed, that wherever the traffic is calculated to pay for the maintenance of a road, every encouragement will be afforded for its construction.

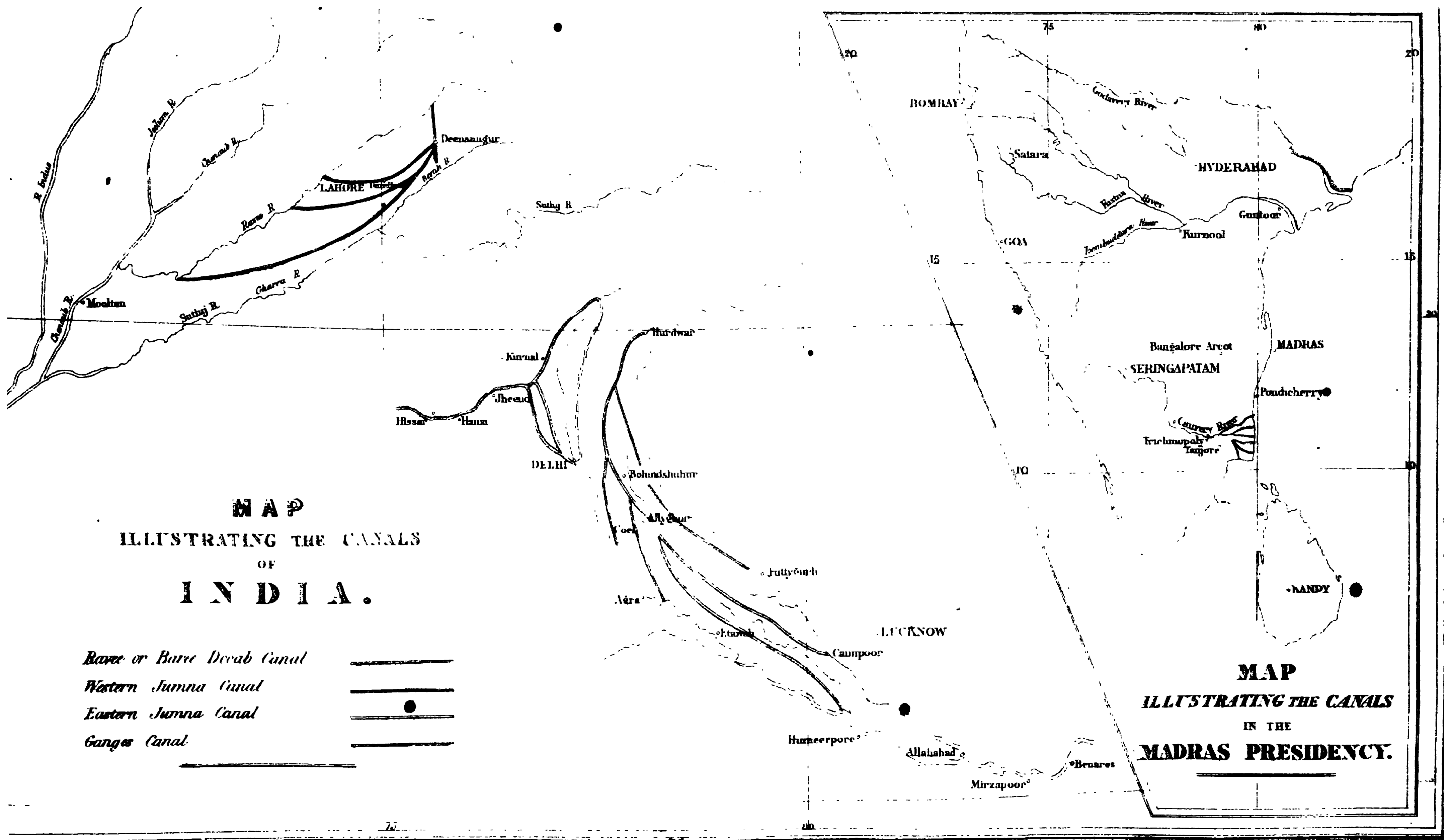
CANALS.

The whole volume of water from the rivers of the Himalayas, available for irrigation, has been estimated at about 24,000 cubic feet per second in the dry season; viz.:—

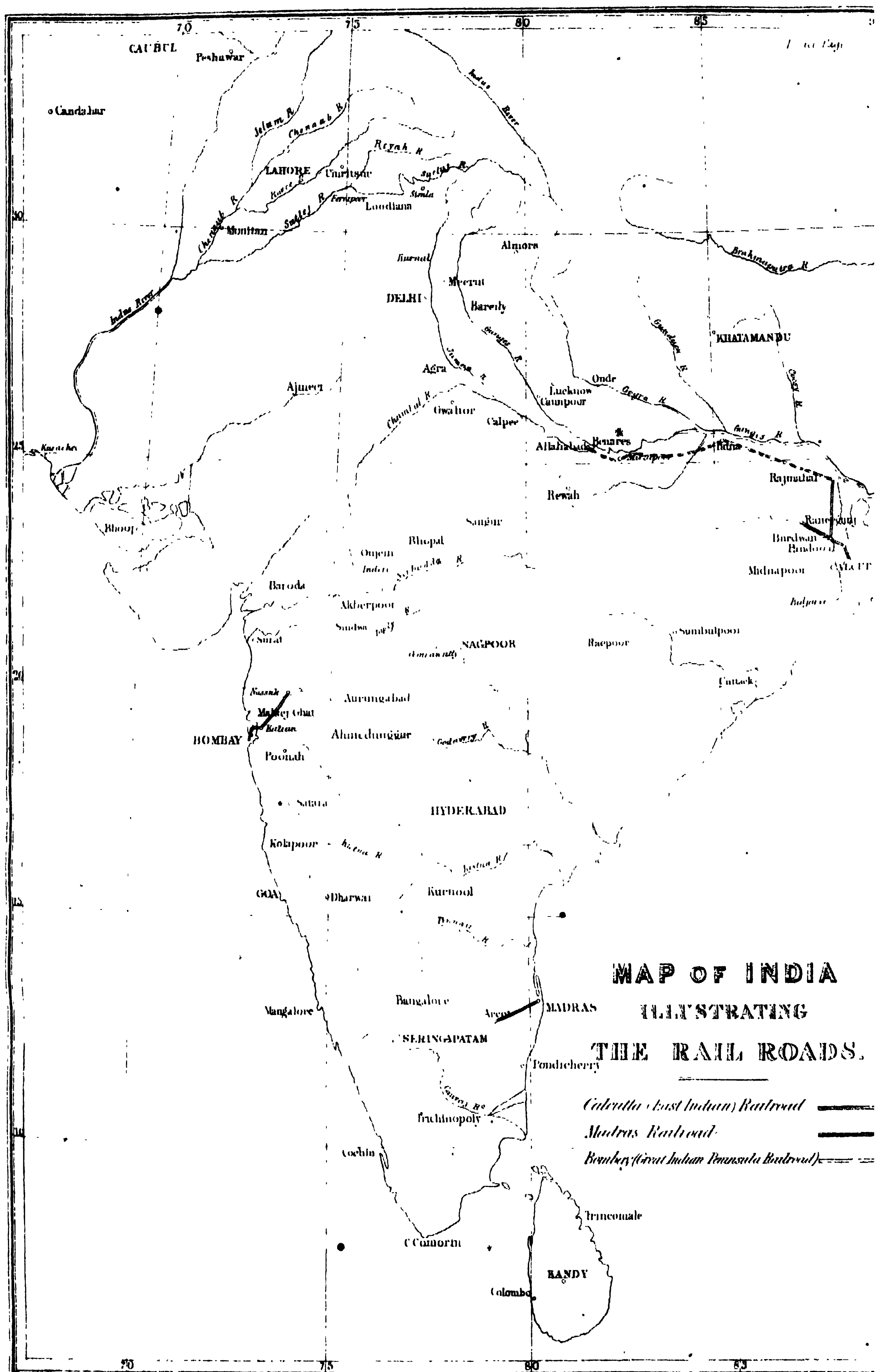
Ganges - - - - - - - - - - - - -	6,750
Jumna - - - - - - - - - - - - -	2,870
Ravee - - - - - - - - - - - - -	3,000
Chenaub - - - - - - - - - - - -	5,000
Sutlej, at Rooper - - - - - - - - - -	2,500
Jhelum - - - - - - - - - - - - -	4,000
	24,120

Each cubic foot per second has been found adequate for the annual irrigation of 218 acres of land; but as one-third only of a district is usually irrigated, the remainder bearing dry crops not requiring irrigation, a cubic foot of water per second would be sufficient for the irrigation of 654 acres, or about one British square mile; a surface of 24,000 square miles may, therefore, be ultimately irrigated by these rivers.

Of



MAP
ILLUSTRATING THE CANALS
OF
INDIA.
Ravee or Baree Doab Canal
Western Jumna Canal
Eastern Jumna Canal
Ganges Canal
R. Indus
Jelum R.
Chenab R.
Ravee R.
Sutlej R.
Gharra R.
Beeah R.
Mooltan
LAHORE
Deenanugur
Sutlej R.
Kurnal
Jheend
Hissar
Hansi
DELHI
Hurdwar
Bolundshuhur
Allyghur
Agra
Futtyghur
Etawah
Cawnpoor
LUCKNOW
Humeerpore
Allahabad
Mirzapoor
Benares
MAP
ILLUSTRATING THE CANALS
IN THE
MADRAS PRESIDENCY.
BOMBAY
Godavery River
Satara
HYDERABAD
Kistna River
Toombuddera River
Guntoor
Kurnool
GOA
Bangalore Arcot
SERINGAPATAM
MADRAS
Pondicherry
Cauvery River
Trichinopoly
Tanjore
KANDY



Nº 627–II. Ordered, by The House of Commons, to be Printed 16th June. 1853.

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Of the entire volume of water hitherto running waste, one portion has already been applied to purposes of irrigation. The whole stream of the Jumna has been diverted from the main channel into two canals, called the Eastern and Western Jumna Canals.

	Miles.
The length of the Western Canal, with its branches, extends to	425
That of the Eastern to	155
	580

The Ganges Canal is rapidly advancing to completion. Its main object is the irrigation of the North-Western Provinces. A ridge of land rises slightly above the level of the adjacent country, and runs along the centre of the Doab, sloping down on the one side to the Jumna, and on the other to the Ganges. The canal has been constructed on the top of this to the vicinity of Allyghur, whence it diverges in two channels, one to Cawnpore, and the other to Humeerpore *viâ* Etawa, with three offsets, termed the Futteghur, Bolundshuhur and Coel branches.

The total length of the canal, with its branches, will be 810 miles; viz.:

	Miles.
Hurdwar to Allyghur	180
Allyghur to Cawnpore	170
Allyghur to Humeerpore	180
Branch to Futteghur	170
Ditto to Bolundshuhur	60
Ditto to Coel	50
	810

The total cost of the canal is estimated at 1,555,548 *l.*, of which 722,556 *l.* has been already expended. It is believed that water will be admitted in the main lines in the course of next year.

The Ravee Canal (Punjaub) is also in progress. The total length of this canal, with its branches, will be 450 miles; the cost to be defrayed from the sum of 500,000 *l.*, which has been sanctioned by the home authorities for the construction of canals in the Baree Dooab. The main channel proceeds from the canal head, on the Ravee River, to Dinanuggur, there throwing out a branch to the eastward; the main channel proceeds in a southward direction, throwing off another branch to the westward; the wants of Lahore and Amritser being supplied by minor channels.

MADRAS.

There are also some extensive systems of canal irrigation within the Madras Presidency; those, for instance, on the Godavery, Cauvery and Kistna Rivers.

In 1841, the estimated expenditure for completing the Cauvery annicut (dam thrown across the river, to bank up the waters) was 50,000 *l.*, of which sum 35,000 *l.* had then been disbursed.

In 1849, an outlay of 91,120 *l.* was sanctioned by the Court for the completion of a system of irrigation by the waters of the Godavery.

And in 1850, an estimate of 150,000 *l.* was sanctioned for a similar purpose in connexion with the Kistna River.

RAILROADS.

BENGAL.

The railroad from Calcutta to the North-Western Provinces was projected in 1844. The contract for its construction, between the East India Company and the Railway Company, was signed in August 1849. The expenditure of 1,000,000 *l.* was sanctioned for the first section; viz., from Howrah, opposite Calcutta, to Raneegung *viâ* Pundooah and Burdwan.

The line is to be continued from Burdwan, in a northerly direction, to Raj Mahal, and thence probably along the right bank of the Ganges to Patna, Mirzapore and Allahabad. A further sum of 1,000,000 *l.* has been sanctioned for the purpose of continuing the extended line

Appendix C.

line to Raj Mahal, the whole expense not having yet been estimated. The East India Company guarantee interest on the capital advanced for this purpose, at the rate of 5 per cent. per annum for the first million, and 4½ per cent. for the second.

MADRAS.

The sum of 500,000 *l.* has been sanctioned for a railway in this Presidency. The execution of the line has been undertaken by a company, under contract with the East India Company. It will commence at Madras, and take a westerly direction, probably to Arcot, the determination of its ultimate route being postponed till the surveys have been taken of the Eastern Ghats, in order to ascertain the most desirable point to cross. The interest to be paid on the above-mentioned sum is guaranteed at 4½ per cent. per annum.

BOMBAY.

An experimental line of railway from Bombay to or near Calian, with a view to its extension to the Malsej Ghat, was authorised in 1849. The capital of the Railway Company, 1,000,000 *l.*, is entitled to bear interest at 5 per cent. per annum.

ELECTRIC TELEGRAPH.

Between Calcutta and Kedjeree, a system of telegraphic communication has been established, measuring, with its ramifications, a distance of 82 miles, at a cost of 5,200 *l.*

It has now been determined to establish an entire line of telegraphic communication, measuring 3,150 miles, connecting Calcutta, Madras, Bombay, Agra, Simla and Lahore; the cost is estimated at 35 *l.* per mile, or 110,250 *l.* for the whole distance.

THE TRIGONOMETRICAL SURVEY.

This survey establishes data for delineating the geography and topography of India. An arc of the meridian has been measured with great care and precision, from Cape Comorin to the Sub-Himalaya Mountains, a distance of 1,460 miles. This important work was brought to a successful termination in 1840. A few years later (1847), the home authorities authorized the Indian Government to continue the survey operations in the north-west, and to extend them to the extreme limits of the empire (Peshawur).

Meanwhile, the great Atlas of India, upon a scale of four miles to the inch, and based upon triangulation, has been in course of preparation. This work has proceeded *pari passu* with the operations of the survey, and is now advancing to completion.

The area triangulated to the end of 1848 amounted to 477,044 square miles, at a cost of 341,278 *l.*, or about 14 *s.* per square mile. The completion of the survey may be looked for in three or four years.

The triangulation supplies an accurate basis upon which the revenue surveys are constructed.

The expense of the revenue survey and settlement of the North-Western Provinces, recently completed, was as under:—

Revenue survey - - - - - - - - - -	£. 235,655
Ditto settlement - - - - - - - -	337,069
	£. 572,724

Revenue surveys of the Lower Provinces of Bengal (that of the Upper Provinces being, as above noticed, complete), and also of the Bombay territories, are now in progress, and ultimately the plan will be extended to the whole of India.

KURRACHEE MOLE AND ROAD.

The attention of Government has been extended to the improvement of the newly-acquired Province of Scinde, and among the public works constructed in this territory may be mentioned Kurrachee mole and road, at an expense of 30,961 *l.*

SURVEY OF THE MANAAR GULF.

This survey was completed a few years since, at a cost of 24,625 *l.*; one of its immediate practical results was the formation of the

PAUMBUM PASSAGE.

By this passage, the obstructions to the sailing of vessels between the island of Ceylon and the main-land of India were removed, and a practicable channel opened at a cost of 16,394 *l.*

RIVER

Appendix C.

RIVER COMMUNICATION.

The Indian Government have established steam-vessels for the conveyance of both goods and passengers on the Ganges, and very considerable sums have been expended on that river in the removal of obstacles to navigation below Allahabad.

On the Indus, also, the Government have established steam-vessels for the conveyance of both goods and passengers from Kurrachee to Mooltan, and purpose extending the line to Kalabagh on the Indus, and to Jhelum on the river of that name.

Many other undertakings (not intended for Government purposes) might be enumerated, such as plantations and farms for promoting the culture and improving the quality of important agricultural productions, as tea, cotton, &c.; establishments for improving the breeds of useful animals, the construction of docks and of various works for maritime and commercial advantages. The expenditure upon these and objects of similar character, where the public benefit and convenience were the purposes in view, has been very considerable.

The following STATEMENT exhibits the amount expended on account of public works in India, comprising roads, bridges, embankments, canals, tanks and wells, in each of the following years, being the latest period up to which the accounts have been received :—

STATEMENT, showing the Amount expended on account of Public Works in INDIA, comprising Roads, Bridges, . Accounts have

YEAR.	BENGAL. Roads and Bridges.	BENGAL. Embankments.	BENGAL. Canals, &c.	BENGAL. TOTAL.	NORTH-WEST PROVINCES. Roads.	NORTH-WEST PROVINCES. Bridges.	NORTH-WEST PROVINCES. Canals.	NORTH-WEST PROVINCES. Tanks, Wells, and Embankments.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1837-38 -	1,49,274 1 8	1,15,812 11 7	29,733 2 10	2,94,820 - 1	1,67,243 5 11	53,151 11 11	1,48,075 6 1	11,541 - 4
1838-39 -	1,39,232 11 4	1,29,759 - 6	70,119 6 2	3,39,111 2 -	11,45,083 9 -	78,148 3 5	2,84,215 10 8	11,158 - 2
1839-40 -	1,96,732 7 6	1,40,915 11 6	29,705 15 5	3,67,354 2 5	1,40,499 15 7	59,670 14 -	1,88,816 13 1	6,136 11 8
1840-41 -	2,56,096 2 9	1,45,626 12 1	35,449 12 3	4,37,172 11 1	4,21,029 2 6	46,147 - 5	3,00,859 - 6	5,605 14 3
1841-42 -	8,16,162 15 3	1,90,589 - 8	20,108 4 6	10,35,860 4 5	2,92,671 10 8	42,877 13 3	3,68,755 8 2	19,947 8 8
1842-43 -	3,39,400 5 3	2,24,506 - 7	36,020 7 5	5,99,926 13 3	3,36,635 3 4	72,369 4 10	2,42,422 - 7	97,500 1 5
1843-44 -	3,02,674 - 6	1,92,326 8 11	53,105 10 6	5,48,106 3 11	2,10,317 14 2	12,673 2 5	2,85,730 7 2	- - -
1844-45 -	4,45,894 4 3	1,71,987 8 8	41,490 12 11	6,59,372 9 10	2,48,139 2 10	72,574 9 1	2,87,413 3 4	3,774 6 5
1845-46 -	4,46,984 9 8	1,35,859 13 4	68,513 14 7	6,51,358 5 7	3,34,534 4 3	9,411 1 7	3,32,770 10 8	1,22,655 8 3
1846-47 -	4,65,274 9 10	1,79,160 13 4	60,521 9 7	7,04,957 - 9	2,60,310 - 10		1,91,643 8 5	363 7 9
1847-48 -	5,23,923 4 5	1,03,638 4 7	29,963 5 11	6,57,524 14 11	4,08,489 2 5		6,59,009 13 6	- - -
1848-49 -	5,25,970 5 2	1,06,405 - 4	69,728 6 1	7,02,103 11 7	4,54,306 7 8		9,15,981 8 2	3,679 7 7
1849-50 -	4,65,250 7 2	1,52,387 5 3	44,070 11 8	6,61,708 8 1	1,79,261 - 2		9,48,487 3 8	3,866 14 7
1850-51 -	- - -	- - -	- - -	3,71,356 - -	- - -	- - -	- - -	- - -
1851-52 (Estimate)	- -	- - -	- - -	8,78,900 - -	- - -	- - -	- - -	- - -

It is necessary to state, that the above Return is strictly confined to public works of the nature and character referred to in the title of the Statement, and that all buildings, civil or military, except so far as they are connected with such works as bridges or roads, are excluded.

Further, the above amount of expenditure is exclusive of the salaries and allowances of civil and military servants, by whom the respective works have been designed, and under whose superintendence they have been carried into execution. These could be furnished for Bengal and Agra, but not for the whole of India.

Between 1833 and 1838, about 13.000 convicts were constantly employed on the great trunk and other roads. The expense of their ordinary maintenance does not appear in the above Return, nor the additional expense incurred by their employment on these works. The extra cost of a convict sent to one of the road gangs was estimated, in 1838, by the Prison Discipline Committee, of which Mr. Macaulay was a member, at *Rs.* 24 per annum, arising from the expense of guards, additional clothing, care during sickness, &c. The Government expenditure was consequently enhanced at the rate of 31,200 *l.* per annum, or 156,000 *l.* in the series of five years.

Under the permanent settlement of Lord Cornwallis, the zemindars of Bengal are under obligation to keep in repair the roads and river embankments within their respective estates. The funds for this purpose may be considered to be supplied by Government, as a proportionate deduction, probably 100,000 *l.* per annum, was made from the rent of the several estates.

There

Embankments, Canals, Tanks and Wells, in each of the following Years, being the latest Period up to which the been received.

	MADRAS.			BOMBAY.				
TOTAL.	Tanks, Watercourses, and other Works connected with Irrigation.	Roads, Bridges, and Ghauts.	TOTAL.	Roads.	Bridges.	Tanks, Wells, Bunds, &c.	TOTAL.	GRAND TOTAL.
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
3,80,011 8 3	5,30,832 12 2	1,17,516 - 4½	6,48,348 12 6½	3,19,489 4 7	7,224 1 8	86,019 9 3	4,12,732 15 6	17,35,913 4 4½
15,18,605 7 3	5,96,668 8 5¼	4,00,665 14 6	9,97,334 6 11¼	2,91,876 8 7	21,767 7 3	70,196 7 5	3,83,840 7 3	32,38,891 7 5¼
3,95,124 6 4	5,14,818 - 6½	3,01,558 15 8½	8,16,377 - 3	2,73,062 13 11	32,064 12 -	91,684 15 2	3,96,812 9 1	19,75,668 2 1
7,73,641 1 8	6,25,013 3 10	4,19,412 6 3	10,44,425 10 1	3,03,354 4 4	70,421 4 8	55,084 13 6	4,28,860 6 6	26,84,099 13 4
7,24,252 8 9	5,69,937 15 5	2,69,855 2 10	8,39,793 2 3	2,52,353 4 10	85,883 10 -	70,288 13 10	4,08,525 12 8	30,08,431 12 1
7,48,926 10 2	5,30,845 7 11	4,56,532 8 7	9,87,378 - 6	2,33,065 1 7	22,377 11 3	44,114 14 6	2,99,557 11 4	20,35,789 3 3
5,08,721 7 9	3,98,016 8 8	1,43,294 9 2	5,41,311 1 10	3,57,692 13 -	17,170 10 4	29,240 14 2	4,04,104 5 8	20,02,243 3 2
6,11,901 5 8	6,09,687 13 2	1,46,034 13 6	7,55,722 10 8	4,19,330 6 10	6,640 7 1	69,193 11 10	4,95,164 9 9	25,22,161 3 11
7,99,371 8 9	5,80,631 8 2	2,31,907 15 -	8,12,539 7 2	3,79,295 5 4	25,557 14 2	72,233 14 9	4,77,087 2 3	27,40,356 7 9
4,52,317 1 -	5,65,186 14 10	2,13,802 11 10	7,78,989 10 8	2,92,367 5 5		5,989 7 -	2,98,356 12 5	22,34,620 8 10
10,67,498 15 11	7,35,630 13 4	2,75,639 12 4½	10,11,270 9 8½	2,89,053 14 5		1,780 10 1	2,90,834 8 6	30,27,128 7 -½
13,73,967 7 5	11,78,071 3 2	2,65,622 12 7	14,43,693 15 9	2,45,784 11 6		5,451 10 10	2,51,236 6 4	37,71,001 9 1
11,31,615 2 5	723,456 2 -	2,58,895 - 11	9,82,351 2 11	3,17,217 2 4		8,923 7 8	3,26,140 10 -	31,01,815 7 5
24,07,115 - -	including the Punjaub	- -	2,33,147 - -	- - -	- -	- - -	3,34,893 - -	33,46,511 - -
49,21,500 - -	- - -	- - -	5,51,400 - -	- - -	- -	- - -	5,83,590 - -	69,35,290 - -
							TOTAL - - - Rs.	4,49,59,921 9 9¼
							Average of 15 Years - - - £.	299,732 - -

There can be no doubt that the disbursements in the two or three years following 1850–51 will be greatly in excess of the expenditure of that year, inasmuch as, in addition to the ordinary outlay, they must include the larger proportion of the sum of two millions sterling, which has been specially sanctioned for the construction of the Ganges and Punjaub canals, the former of which is fast approaching to completion.

In 1847, sanction was given for an annual expenditure of 40,000 *l.* for a system of trunk-roads in Madras. No great progress appears to have been made by the local governments in this work; but, as a system of railroads is now about to be established in India, it appears most desirable to determine the direction in which these lines shall traverse the country before incurring any great outlay on ordinary roads, which, for the most part, must be altered in their directions, so as to become subsidiary to the great arteries of communication.

The guarantee of interest by the East India Company on Indian railway stock is also strictly a contribution to public works, having for their object the improvement of internal communication.

Appendix D.

Appendix D.

LIST of PETITIONS referred to the Select Committee on the Government of Indian Territories.

DATE OF PRESENTATION.	PETITIONERS.	PRAYER.
11 May - 1852 -	George James Gordon - -	- - That certain Propositions mentioned in his Petition, connected with the Position and Political Rights of the Natives of India, may be taken into Consideration.
21 May " -	- - Charles Hay Cameron, late Fourth Member of Council of India, President of the Indian Law Commission, and of the Council of Education for Bengal.	- - That One or more Universities may be established in British India, and that the Youth of India may receive such a Secular Education as may qualify them for Admission into the Civil and and Medical Services.
26 November " -	- - Ministers and Missionaries resident in Calcutta.	- - For Inquiry into the Government, and Moral, Social and Religious Condition of the People of India.
2 December " -	- - Madras Native Association, and other Native Inhabitants of the Presidency of Madras.	- - Complaining of the present Mode of raising the Revenue of the Government, and of the Salt Monopoly, and other Grievances.
24 February 1853 -	Rungo Bapojee - - - -	- - For the Restoration of Shahoo Maharaj to his Rights and Property, or that the Petition may be referred to the Select Committee on the Government of Indian Territories.
25 February " -	- - Proprietors of East India Stock, and other British Subjects interested in the Welfare and good Government of India.	- - For Inquiry into the present State of the Affairs of India.
25 February " -	- - Madras Native Association and Others, Native Inhabitants of the Presidency of Madras.	- - For Redress of certain Grievances in connexion with the Expiration of the East India Company's Charter.
28 February " -	- - Retired Servants of the East India Company, Merchants and Others.	- - That in case of any Alteration being made in the Government of India, the Right of Choosing the Persons to compose such Body may be granted, in such manner as may seem fit, amongst others, to the Holders resident in this Country of the Promissory Notes or Securities of the Government of India.
4 March " -	- - Members of the Bombay Association, and other Native Inhabitants of the Presidency of Bombay.	- - For Inquiry into the Renewal of the Act for the Government of the Indian Territories, and that the Period of Existence for any future Government of India be limited to Ten Years.
11 March " -	- - British and other Christian inhabitants of Calcutta, and the neighbouring parts in the Lower Provinces of Bengal.	- - For inquiry into the Renewal of the Act for the Government of Indian Territories, and for Ameliorations and Reforms.
4 April " -	- - Armenian Inhabitants of the Bengal Presidency.	- - That in the event of the Renewal of the Act for the Government of the Indian Territories, provision may be made to secure to the Petitioners the full benefit of the Contract with the East India Company, by which they were induced to settle in the Company's Territories.
7 April " -	- - British Indian Association and other Native Inhabitants of the Bengal Presidency.	- - Complaining of Grievances, and praying for Relief.

LIST of Petitions referred to the Select Committee, &c.—*continued.*

Appendix D.

DATE OF PRESENTATION.	PETITIONERS.	PRAYER.
2 May - 1853 -	- - E. Wilson Challoner, Chairman (*who only has signed it*), of Newcastle and Gateshead Commercial Association.	- - Complaining of certain Grievances, and praying for the Improvement of the Government of India.
2 May - " -	- - Master Cutler and Cutlers' Company of Sheffield, under their common seal.	- - That in any Legislation for the future Government of India, Provision may be made for its internal Improvement, and the carrying on of Public Works in that Country.
26 May - " -	- - Hindoo Inhabitants of Bengal, Behar and Orissa.	- - For Repeal of the Act No. 21 of 1850, of the Legislative Council of India, and of certain Regulations which interfere with the enjoyment by the Hindoo Nation of their ancient Religion and Customs.
31 May - " -	- - Liverpool East India and China Association.	- - For Amendment of the present Law for the Government of India.
27 June - " -	- - Inhabitants of Northwich, in the County of Chester.	- - That in any Arrangements for the future Government of India, Provision may be made to permit English Salt to be imported into all parts of British India upon the same Terms and Conditions as other Goods and Manufactures.
15 July - " -	- - Ministers of the Gospel resident in Calcutta.	- - For the discontinuance of all Government Grants of Money for the support of Idolatry.
18 July - " -	Bristol Chamber of Commerce -	- - That the Monopoly of Salt exercised by the East India Company in India be abolished; that if it should be considered still expedient to levy a Tax on this necessary of life, that it should be in such a form as to press less heavily on the Poor of India than the present system of Taxation.
18 July - " -	- - East Indians of the Presidencies of Calcutta, Madras and Bombay, at present residing in London, at a Meeting held at the Residence of John B. Pharoah, Esq., Ennore House, Lower Tulse Hill, Brixton.	- - Complaining of certain Grievances under which they and the Community to which they belong labour in the existing state of the Law, and praying for Relief.
12 August " -	- - East Indians, Inhabitants of Calcutta and the Provinces, subject to the Presidency of Fort William in Bengal.	- - Complaining of certain Grievances, and praying for Relief.
12 August " -	- - Members of the Bombay Association and other Native Inhabitants of the Presidency of Bombay.	- - Complaining of certain Grievances' and praying for Relief.
12 August " -	- - Madras Native Association and others, Native Inhabitants of the Presidency of Madras.	- - Praying that a thorough Inquiry may be made into all points affecting the Welfare of India.
12 August " -	- - Mr. George J. Waters, late a Justice of the Peace in India, and a Covenanted Civil Servant of the East India Company on the Madras Establishment, now of Clevedon, in the County of Somerset.	- - Complaining of his Removal without cause from certain Offices which he held in India.
12 August " -	- - Dr. George Buist, Editor of the "Bombay Times."	- - Complaining of the Evidence given before the Select Committee of this House on the Government of Indian Territories, on the subject of Newspapers in India.
12 August " -	- - Jevanjee Pestonjee and Rustomjee Viccajee, British Subjects and Parsee Inhabitants of Bombay.	- - Complaining of certain Acts of the Government of India, and praying for Redress.

Appendix D.

PETITION of George James Gordon, that certain Propositions mentioned in his Petition connected with the Position and Political Rights of the Natives of India may be taken into Consideration.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The humble Petition of George James Gordon,

Humbly showeth,

That your Petitioner, during a residence of upwards of 36 years in India, had opportunities of becoming well acquainted with the Natives of that country, of all ranks and classes, and of ascertaining their actual feelings and wishes regarding the British Government and its institutions, and that he is still in communication on those subjects with some of the most intelligent and influential of the inhabitants of Bengal.

He therefore knows that he is acting in accord with their wishes in praying that your Lordships will take into your consideration the following propositions:

1st. That measures be adopted for the relief of the revenues of India from some portion of the expenses of the Home Government, amounting to upwards of one million sterling per annum.

2d. That such a change of system be introduced with respect to the granting of pensions, that in future no person entering the service shall be entitled to a pension after he has ceased to reside in India: the payment of pensions in England causes, directly, a drain on India of upwards of a million sterling, and, indirectly, to one of probably four times that amount, by the inducement it gives to persons to retire from the service while in the prime of their faculties, and to withdraw themselves and their families from the country, with the means they have accumulated during their residence in it.

3d. That economy being urgently requisite, the salaries of the higher officers of Government in India be reduced, granting in compensation a much longer tenure of office than they have hitherto been accustomed to enjoy.

4th. That with the same view, useless offices be abolished, such as that of Councillors of subordinate Governments, substituting as advisers of the Governors one or more of the Secretaries at the head of departments, as is now the case in the Lieutenant-governorship of the North-west Provinces.

5th. That the Legislative Council should be a distinct body from the Executive Council or Cabinet of the Governor-General, and that it should include amongst its members a certain number of Natives selected from the most intelligent and influential inhabitants of the several provinces; the principal inducement to be held out for acceptance of such office being honorary distinction, rather than emolument in the shape of salary.

6th. That the distinctions hitherto existing between what are called the covenanted and uncovenanted servants of Government be abolished, and that all public servants be entitled alike to look forward to promotion, according to merit and qualification.

7th. That to make room for the more general employment of Natives, a moiety of the number annually required to supply vacancies in the Civil Service be selected by the Governors of the several Presidencies, from youths who have been found on examination qualified for the public service by their acquirements in such branches of knowledge as shall be prescribed by Government.

8th. That seminaries of education, on the principle of Universities, shall be established in various parts of the country, where general as well as professional knowledge may be acquired, and degrees granted in law, medicine and mechanical art and science.

9th. That one code of laws be applicable to all classes of the community, and that all inhabitants of the country shall be subject to the same Courts, both in civil and criminal cases.

10th. That the Supreme Courts of Appeal at all the seats of Government shall have one Judge appointed by the Crown, and that all applicants for judicial office shall be required to pass an examination in law.

11th. That laws passed by the Legislative Council and approved by the Governor-General in Council shall not be liable to be rescinded, unless found by Her Majesty's Privy Council to be repugnant to existing Statutes of Parliament.

12th. That Government should be prohibited from engaging in future directly in the manufacture of opium or of salt; that for the revenue now realized by the manufacture and sale of opium, licenses to manufacture the drug and a duty on its exportation be substituted; and that in the same way, with respect to salt, the right of manufacture in each district where salt can be produced be farmed, under the protection of a fixed duty on importation.

Beseeching the favourable attention of your Lordships to the foregoing propositions, your Petitioner, as in duty bound, will ever pray.

G. J. Gordon.

PETITION,

PETITION, praying that One or more Universities may be established in British India, and that the Youth of India may receive such a Secular Education as may qualify them for Admission into the Civil and Medical Services, of CHARLES HAY CAMERON, late Fourth Member of the Council of India, President of the Indian Law Commission, and of the Council of Education for Bengal.

To the Lords Spiritual and Temporal in Parliament assembled.

The humble Petition of CHARLES HAY CAMERON, late Fourth Member of the Council of India, President of the Indian Law Commission, and of the Council of Education for Bengal,

Humbly showeth,

That your Petitioner was appointed a Member of the Indian Law Commission in the year 1834, and continued in that body as Member or President, until the year 1848.

That in the course of the years intervening between 1834 and 1848, the Law Commission sketched out a system of Law and of Judicial Establishments and Procedure for British India, whereof the following parts have been fully elaborated and reduced into the form of Acts of the Indian Legislature:

A Penal Code.
A Plan of a Model Criminal Court.
A Plan of Criminal Procedure.
A Plan of a Model Civil Court and of Civil Procedure.
A Plan for the abolition of the Recorder's Court in the Straits of Malacca, and for the constitution of an improved Judicature there.
A Law of Prescription and Limitation.
A *Lex Loci* for British India.

That, so far as your Petitioner knows, the Home Authorities have not felt themselves in a condition to pronounce a decision upon any one of the above propositions, except the plan of a Model Civil Court and Civil Procedure.

That, so far as your Petitioner knows, the Legislature of India has not felt itself competent to pronounce a decision upon any one of the above propositions.

That in the reports by which the Law Commission explained and justified the propositions above enumerated, and in various other reports, they have discussed a great number of important questions of Jurisprudence:

The Fusion of Law and Equity.
Special Pleading.
Appellate Judicature.
Small Cause Judicature, and its fusion with General Judicature.
The Jury, or the association of the Public with the business of Judicature.
The training of Candidates for the Judicial Office.

That the labours of the Law Commission, which (whatever may be their intrinsic value) have cost a great deal of public money, will, as your Petitioner apprehends, be lost to the people of India; and that the similar labours of any persons who may be appointed to complete the task imposed upon the Law Commission by Parliament, in the Statute 3 & 4 Will. 4, c. 85, ss. 43 to 55, will in like manner be lost to the people of India.

Your Petitioner therefore prays that the above-mentioned propositions and discussions of the Law Commission may be submitted to the consideration of competent jurists, who may decide whether the recommendations of the said Commission are or are not fit to be adopted.

That, as President of the Council of Education for Bengal, your Petitioner had opportunities of observing the desire and the capacity of large numbers of the Native youth of India for the acquisition of European literature and science, as well as the capacity of the most distinguished amongst them for fitting themselves to enter the civil and medical covenanted services of the East India Company, and to practise in the learned professions.

That the said Native youth are hindered from making all the progress they are capable of in the acquisition of the said literature and science.

First, because there is not in British India any University with power to grant degrees, as is done by Universities in Europe.

Secondly, because the European instructors of the said Native youth do not belong to any of the covenanted services of the East India Company, and do not therefore (whatever may be their learning and talents) occupy a position in society which commands the respect of their pupils.

Thirdly, because no provision has been made for the education of any of the said youth in England, without prejudice to their caste or religious feelings.

Your Petitioner therefore prays that one or more Universities may be established in British India.

 That

Appendix D.

That a covenanted Education Service may be created, analogous to the covenanted Civil and Medical Services.

That one or more establishments may be created at which the Native youth of India may receive in England, without prejudice to their caste or religious feelings, such a secular education as may qualify them for admission into the Civil and Medical Services.

And your Petitioner will ever pray.

C. H. CAMERON.

Upper East Sheen Lodge, 13 May 1852.

PETITION for Inquiry into the Government, and Moral, Social and Religious Condition of the People of INDIA, of Ministers and Missionaries resident in CALCUTTA.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The Petition of the undersigned Ministers and Missionaries Resident in Calcutta,

Humbly showeth,

THAT your Petitioners are deeply interested in the welfare of the people of India; that they have been attentive observers of their social condition; and that they have devoted much labour to the work of their conversion from the service of dumb idols to the worship of the one living and true God.

That your Petitioners observe with anxious attention the deliberations of the British Parliament on all subjects connected with India; and more especially now, when the Charter of the East India Company is under consideration, they await the result with the most earnest desire that your Lordships may be guided by wisdom from above, and may be led to the adoption of measures that will augment at once the power and the honour of the British nation, and the welfare and happiness of this great country.

That early in the present year some of your petitioners transmitted to both Houses of Parliament petitions, praying that measures might be taken to ascertain the exact nature and extent of the connexion still subsisting between the Government of India and the Hindu and Mahommedan religions, and to dissolve and extinguish that connexion completely and for ever.

That the Petitioners also, in the said petitions, called attention to a despatch of the Court of Directors in 1847, forbidding their servants to take part in missionary undertakings, and praying for a copy of that document.

That your Petitioners feel much anxiety on these points, and earnestly pray that your Lordships will direct your attention to them.

That some of your Petitioners have recently addressed a Memorial to the Governor-general of India in Council, praying that a certain Draft Act for the final discontinuance of the grant which hitherto has been made annually by the Government of India to the Temple of Jagannáth at Púri may be passed into a law, and declaring the conviction of the said Petitioners that no compensation whatever, in law or in equity, is due to that Temple, and praying, therefore, that none may be paid.

That your Petitioners await the result of that Memorial with anxious expectation, having long and deeply mourned over the support by the Government of India of a shrine, which, for many ages, has been the scene of gross idolatry and indescribable misery; and your Petitioners pray that no final measures may be adopted for the renewal of the powers of the East India Company till effectual steps have been taken to remove that scandal, as well as to secure the complete separation of the Company's Government from the Hindu and Mahommedan religions, in all the various circumstances wherein there still subsists any direct or indirect connexion between them.

That your Petitioners desire to call the attention of your Lordships to other points that affect the interests of India, especially in the Presidency of Bengal, wherein your Petitioners reside and labour.

That your Petitioners have reason to believe that there is a vast amount of social disorganization, and of consequent suffering, in the whole country. Much of this your Petitioners can trace to the fearful superstition of the people, to their ignorance, and to the debasing effects of a popular mythology, which presents as objects of worship deities who are examples of every vice, and which ascribes sanctity and divine honour to a priesthood which is the principal curse of India. But speaking particularly of this great Presidency of Bengal, your Petitioners would represent to your Lordships the existence of evils which it falls properly within the scope of Government to meet and to control. The evils resulting from the religions of the country your Petitioners believe to have been greatly diminished since the commencement of Christian missions; and they willingly accord to the Government of India the praise of having abolished satis, and checked infanticide, thuggism, and the once prevalent practice of self-immolation. Your Petitioners do not now hear of the terrible occurrences with which their predecessors were familiar; of women drowning themselves publicly at the junction of the Ganges and the Jumna; of others sitting in pits to be

be smothered by heavy baskets of sand; and of devotees yielding themselves to death in the presence of multitudes, by means which require the active participation of heartless accessaries. A more just apprehension of their duty by the judicial officers of Government has restrained such suicides, by dealing with the accessaries as guilty of murder; and the enactment of several wise and salutary laws has restrained the other classes of crimes which your Petitioners have mentioned. Your Petitioners believe, however, that these results must in a large measure be ascribed to the growing influence of Christian missions, which have been blessed no less in raising the standard of piety and justice among the Europeans in India, than in the enlightenment of the consciences of the natives. But there are other evils with which the Government, as such, has to contend, and which your Petitioners regret to declare appear to be on the increase. Your Petitioners greatly fear that it will be found on inquiry that in many districts of Bengal neither life nor property are secure; that gang-robberies of the most daring character are perpetrated annually, in great numbers, with impunity; and that there are constant scenes of violence, in contentions respecting disputed boundaries, between the owners of landed estates.

That your Petitioners submit to your Lordships that the radical cause of both these evils is the inefficiency of the police, and the judicial system. Your Petitioners find that the sole protection of the public peace in many places is a body of policemen (called village chowkedars), who are in fact the ministers of the most powerful of their neighbours, rather than the protectors of the people. The body of peace-officers appointed and paid directly by the State will, on inquiry, be found to be entirely insufficient for the great districts for which they are provided; but few as they are, they also will be found to be oppressors of the people. The records of the criminal courts, and the experience of every resident in the districts of Bengal, will bear testimony to the facts, that no confidence can be placed in the police force (either the regular force or the village chowkedars); that it is their practice to extort confessions by torture; and that while they are powerless to resist the gangs of organized burglars or dacoits, they are corrupt enough to connive at their atrocities.

That your Petitioners believe that a strict and searching inquiry into the state of the rural population of Bengal would lead your Lordships to the conclusion, that they commonly live in a state of poverty and wretchedness, produced chiefly by the present system of landed tenures, and the extortion of the zemindars, aggravated by the inefficiency and the cruelties of the peace-officers, who are paid by the chowkedarry tax, or by the Government.

That your Petitioners believe that a well-organized police, with a more extensive and more effective judicial system, would do much to check the outrages that arise from disputes about land; but your Petitioners must also ascribe much of the evil which these outrages produce to the causes by which primarily such disputes are occasioned. Your Petitioners must declare, that from the want of a complete survey of the estates of the country, of a Registration Act to settle titles, and of laws to obviate the infinite mischief of the universal system of secret trusts, there is so much uncertainty about the landed tenures and boundaries in Bengal, that capitalists generally dread to purchase such property, and those who do, too frequently keep bodies of clubmen, to take and keep, by force, the extent of land to which they deem themselves entitled. Between contending proprietors, amidst scenes of constant conflict, and a prey to the corruption and the oppression of the police, the tenant is reduced, not merely to beggary, but also, in many cases, to a state of the most abject and pitiable servitude.

That your Petitioners attribute many of the evils that exist in this Presidency to the fact that (unlike the other Presidencies of India) it has no separate Governor. While the North-western Provinces during the past eight years have enjoyed the benefit of the rule of the same able and experienced Governor, the Presidency of Bengal, in the same period, has had eight successive changes of rulers; and in every case, whether the Governor-general or the Deputy-governor was for the time being ruler of the land, he has been encumbered also with other and weighty duties, as a member of the Supreme Council of India.

That your Petitioners attribute also to the want of a separate Governor for this Presidency the fact, that while much has been done in judicious and beneficial public works in the North-western Provinces and the Madras Presidency, and very recently also in the Punjaub, this great Presidency, which contains thirty-five millions of people, and yields nearly half of the entire revenue of India, has been very greatly neglected, and cannot be said now to have more than one good road of any considerable extent, while a vast portion of the country remains altogether untraversed and uninvestigated; and, in fact, never has been visited by any of the Governors of Bengal from the day when the Company first obtained the Dewanny.

That your Petitioners believe that justice calls for a separate Government for Bengal, and in order to render it as effective as possible, your Petitioners submit that the limits of the Presidency should be curtailed, and that Arracan and the Tenasserim Provinces, with Penang and Singapore, might be formed into a separate Presidency.

That there are many measures to which your Petitioners would desire the attention of your Lordships to be directed, in connexion with the Government of Bengal. The principal of these your Petitioners beg leave to submit as follows:

1. The appointment for the Presidency of Bengal of a separate Governor, who shall be relieved of all share in the general Government of India.

2. The entire and thorough reform of the police, by consolidating the village or zemindarry chowkedars and the Government police, and the placing all under active, trustworthy and efficient

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efficient superintendence. Your Petitioners believe that it is difficult to over-estimate the importance of a comprehensive, enlightened, and benevolent settlement of this subject, so that a police force, worthy of the British Government, and under the direct control of confidential and efficient officers, may at length be provided for this country.

3. The summary and severe punishment of perjury and forgery, immediately on their detection in judicial proceedings. Your Petitioners regard a measure of this kind as one of the chief wants of this country; for perjury has almost ceased to be regarded as morally wrong; it constitutes the stock in trade by which numerous witnesses for hire subsist; the impunity and success with which systematic perjury and the forgery of documents are commonly practised tend to encourage the already too prevalent habits of falsehood and deception among the great body of the people; and, as a necessary consequence, justice is now constantly mocked and defeated, or the powers of the law are used, without remorse, as engines of oppression and extortion, through the infamous arts of the traders in corrupt litigation.

4. The reduction of the size of the judicial districts, in which at present the chief station is commonly so far removed from the greater number of the towns and villages that justice, in many instances, is practically denied, and in a very large number of others is obtained under difficulties and discouragements, and at a loss of time and money, that render every connexion with judicial proceedings a heavy calamity alike to the suitors and the witnesses. Your Petitioners believe that careful inquiry would prove that many persons, of various ranks, throughout the country are enabled, by their distance from the seat of justice, to set the law at defiance; and that the great expense of carrying witnesses so far, and of supporting them while detained, is one of the chief temptations that lead to the employment of the mercenary perjurers who infest every court and judicial station.

5. The increase of the number of judicial officers, and their suitable and satisfactory preparation for the important task of administering justice; so that the law may be administered in every district on a uniform system, and on just, definite and intelligible principles.

6. The institution of all criminal suits on *vivâ voce* applications only, and the administration of justice on *vivâ voce* evidence only, to be taken by the judge or magistrate in person. Your Petitioners admit that to a certain extent justice is already thus administered; but, to a very great extent, written depositions, taken down and read to the officiating officer by venal men, are used in the Mofussil Courts; and this practice, your Petitioners submit, leads to much uncertainty, to constant misunderstandings, and great injustice; while, at the same time, it deprives the courts of the well-known advantages of personal conference with the witnesses in the presence of the parties.

7. A careful and complete survey of the country, to fix the boundaries of the villages and landed estates, and a renewal of the survey wherever the encroachments of the rivers, or other causes, render it desirable.

8. An Act for the registration of titles and deeds relating to land, carried out in a comprehensive and liberal spirit.

9. An Act to check the prevalent system of secret trusts, commonly called benamee transactions. The evils which a measure of this kind would meet are so extensive in this country as to become a marked peculiarity in its social system. Among these evils, the prevalence of litigation and frauds on creditors are notorious; but other evils, of a less obvious, though not less serious nature, will on inquiry be found to arise from the benamee system.

10. A measure to encourage capitalists of enterprise and public spirit to purchase land, and also to encourage smaller holders to raise themselves to the position of independent freeholders, by providing such means as shall be just and equitable alike to the State and to the purchasers, for the permanent redemption or commutation of the present land-tax.

11. A measure for the promotion throughout the whole country of a cheap elementary system of vernacular education, and the removal of all restriction on the Christian teachers in any of the Government schools and colleges affording instruction in Christianity, when it is sought by the pupils.

12. The periodical publication of full and clear statistical comparative returns of the population, resources and progress of this Presidency.

13. The prohibition, by law, of the public barbarities which accompany the Churruck Pujá; and also the prohibition of every other public exhibition of fanaticism, whereby the moral sense of the community is debased and ruined, and human life is endangered.

14. The regulation of the practice of carrying sick persons from their houses to the river's bank, with the view of preventing the abuse of the popular superstition into a means of hastening death in fatal diseases, and rendering it inevitable in the case of any whose diseases are not of that character.

15. The introduction of a system of general visitation of the Presidency by the Governor for the time being, so that he may become closely and intimately acquainted with the qualifications of the subordinate officers of Government; with the general administration of public

public affairs; with the local wants and feelings of the people; and with the progress of the public works.

16. The extension of the means of internal communication, by the increase and improvement of roads, and of the postal arrangements throughout the country. Your Petitioners believe that few things would tend more rapidly to the social improvement of the country than the increase of the means of intercourse and communication.

17. The liberal encouragement of all public works which are calculated to develope and improve the resources and trade of the country. Your Petitioners submit that such encouragement is very much needed; and as a proof, they beg to state that, even in the immediate vicinity of Calcutta, the two canals by which, during eight months of the year, the great majority of boats leave or approach the commercial capital of India, are utterly inadequate to the immense traffic of which they are the channels. Your Petitioners also apprehend, that inquiry will prove that the resources of some districts are at present almost entirely lost and wasted, through the want of public works that would give vent to the industry of the inhabitants and the products of the soil.

18. The complete and absolute severance of the Government of India from all connexion, direct or indirect, with the Hindu and Mahommedan religions.

That your Petitioners believe, that from these measures, together with the constant operation on the Government of India of public opinion, and of the vigilance of the Parliament in Great Britain, results the most important and desirable might speedily be secured.

That your Petitioners submit to your Lordships, that it is the paramount duty of the Government of India to promote the highest interests of the people committed to their care; and that all measures whereby revenue is raised to the detriment of the public morals, is a violation of this duty.

That your Petitioners fear that on inquiry it will be found that the abkaree system for the regulation of the sale of wines, spirits and drugs, has, in practical operation, tended to foster among a people, whose highest commendation was temperance, a ruinous taste for ardent spirits and destructive drugs, by the efforts made to establish licensed new depôts for them, in places where the use of such things was little or not at all known before; and your Petitioners, therefore, pray that your Lordships will inquire into this matter, with a view to the abkaree system proving a check, rather than an encouragement to the use of intoxicating drugs and spirits.

That your Petitioners observe with much regret the continuance of the East India Company's extensive trade in opium. Your Petitioners view the traffic carried on with China in this contraband drug as second only to the slave-trade in iniquity; and they regard the collection of a great revenue from the opium monopoly by the East India Company, under the sanction of the British Legislature, as a breach of faith with the Chinese Government, and as an odious participation in a guilty and ruinous trade, which they view with amazement and abhorrence.

That your Petitioners earnestly desire to see the Government of India relieved from the fearful responsibility of raising a revenue by providing annually an enormous quantity of a drug, which is notoriously purchased and shipped to China under British sanction, to gratify the morbid craving of multitudes of infatuated people for its enervating and fatal poison.

That your Petitioners submit, that good faith with the Government of China, and common humanity to the unhappy myriads who annually ruin their health and destroy their lives by opium in China, should lead the British Government in India, as well as in the China seas, to check and to repress the wicked traffic by which the drug is supplied for the market in Bombay and in Calcutta, and is then shipped to and clandestinely sold as contraband in China.

That your Petitioners are ready to acknowledge that there has been a great improvement in the spirit and measures of the Government of India since the Charter of 1813 was granted; but your Petitioners have felt it to be their duty to bear testimony to the existing state and wants of Bengal; and they submit to your Lordships, that to secure the continuance and the increase of the zeal of the East India Company for the improvement of this country, it would be better to limit the period of their powers to a shorter period than 20 years, so that the manner in which they have been exercised may again speedily come under review.

That your Petitioners fear that the present year has been marked by so many unexpected public events, and by so much political excitement respecting the state of parties and the future policy of Government in Great Britain, that the subject of the East India Company's Charter has not been investigated so deeply as it would have been by your Lordships in a period of greater public tranquillity; and your Petitioners submit that this is another reason, of much force and importance, for the limitation of the Charter now contemplated to a period less than 20 years.

That your Petitioners further submit to your Lordships, that it would be wise and expedient to make such changes in the Home Government of India as would tend to secure the services of persons who had gained local experience; and, further, to provide that, in the distribution of the valuable patronage of the East India Company, a large part should be reserved for the reward and encouragement of superior and eminent talent and industry, in the principal schools and colleges of Great Britain.

That your Petitioners thankfully assure your Lordships that they have been abundantly encouraged in their own efforts to improve the condition of India, and that the whole

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Protestant missions in the country have been favoured with many and remarkable tokens of the Divine blessing. Your Petitioners beg permission to inform your Lordships, that at the present time the number of ordained Protestant missionaries in India exceeds 400, and that they have gathered into the visible Church of Christ 103,000 converts; that they are receiving the aid of 551 Native preachers; have upwards of 300 Native churches; 1,340 vernacular day-schools, 73 boarding-schools, and 120 English day-schools, besides upwards of 440 day-schools for Native girls; that the complete Bible has been translated into 10 of the languages of India, and the New Testament into five more; that a very considerable vernacular Christian literature has already been provided for the people; and that a spirit of inquiry, a desire for education, and a general feeling of respect for Christianity and for Christian teachers, have been excited in all the spheres of the missions. Your Petitioners deeply deplore the inadequacy of their numbers, and the partial extent to which zeal for the conversion of the heathen is manifested in Great Britain; and they earnestly and constantly implore the Lord of the harvest to awaken a wider and more affecting sense of India's destitution among all who profess and call themselves Christians; but at the same time, they are bound to record, with devout thankfulness, the progress that has been made; and they anticipate with confidence increasing proofs that the ancient systems of superstition are fast crumbling away, and that the day is approaching when the light of the Gospel of Christ will bless all the families of this country. Your Petitioners gratefully record the passing of an Act by the Government of India in 1850, whereby the rights of Native Christians are secured; but they regret that this and other measures of equal simplicity and justice were obtained only after great and harassing delays; and they now have to lament over the continuance of other evils, which a more just, prompt and vigorous administration of public affairs might long since have removed, and the removal of which might have tended greatly to the improvement of the condition of the people, and their willingness to consider the Gospel, as well as to that independence and strength of mind and character which the profession of a new religion in scenes of ancient idolatry and superstition especially requires.

That your Petitioners are deeply impressed with a solemn conviction that this great and populous country has been entrusted as a sacred charge and stewardship to the Government of Great Britain; that the hand of God was never more visible in the history of nations than it has been in the progress of British power in India; and that every consideration of interest and duty should combine to secure from the British Legislature every measure that is calculated to elevate and improve the class of its rulers and its judicial and ministerial officers. The influence of India on the whole continent of Asia, your Petitioners believe has already been remarkably powerful and extensive; and that influence, if the country be governed in an enlarged spirit of wisdom and benevolence, and if the blessing of the God of nations rest on the efforts alike of the Government and of the preachers of the everlasting Gospel of peace, may ultimately prove the immediate cause of that great and universal change in the whole social and religious state of this continent, with its vast population of more than half mankind, which the Scriptures of truth lead the Church of Christ confidently to expect. Your Petitioners, therefore, regard the present time, when the subject of the Government of India is under the consideration of your Lordships, as a period of momentous importance; and they earnestly implore that your Lordships may be so guided by the Spirit of the Lord into wise and righteous conclusions, that generations yet unborn may celebrate with thankfulness and joy this era in the annals of the British empire.

Finally, your Petitioners earnestly pray, that your Lordships will be pleased to consider the premises; to apply to the subject of the Government, and to the moral, social and religious condition of India, and to her material resources and political difficulties, the most comprehensive, minute, and searching scrutiny; and, finally, to pass such measures as shall redound to the honour and glory of God, as well as to the happiness and prosperity of the people whom He has given to the dominion of Great Britain.

(signed) W. S. Mackay, Missionary of the Free Church of Scotland.

[And 25 others.]

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PETITION of the MADRAS NATIVE ASSOCIATION, in behalf of themselves and other Native Inhabitants of the Presidency of Madras, complaining of the present Mode of raising the Revenue of the Government, and of the Salt Monopoly and other Grievances.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the MADRAS NATIVE ASSOCIATION, in behalf of themselves and other Native Inhabitants of the Presidency of Madras,

Showeth,

1. THAT your Petitioners, being desirous to avail themselves of the opportunity afforded by the approaching expiration of the Charter granted to the Honourable East India Company for going before Parliament with an exposition of various circumstances connected with the Government of this country, which, as acknowledged subjects of Her Majesty, they feel to be serious grievances urgently demanding redress, formed an association at Madras, on the 26th of February 1852, for the purpose of co-operating in this great object with a similar association established at Calcutta, under the name of the British Indian Association, with whom they immediately entered into correspondence, intending, as a branch society, to place themselves under the guidance of that body, to whose superintendence the work of petitioning the Imperial Parliament, on points involving the joint interests of both Presidencies, should be committed. That for this purpose they had previously been collecting the requisite information from various quarters, and collating a large amount of manuscript statements, together with printed documents, in order to ensure the utmost correctness regarding the subjects to be laid before your Right honourable House.

2. That in the course of the above-mentioned correspondence, the Calcutta Association transmitted to your Petitioners the sketch of a petition, to which the consent of your Petitioners, with such suggestions thereon as they might deem requisite, was requested; but that the said sketch related almost wholly to plans and recommendations of change in the Government of this country, for the exaltation of the highest classes of the Hindus, while it left almost untouched the pitiable condition of the middling and lower classes, and was in various respects unsuitable to the circumstances of the inhabitants of this Presidency; your Petitioners, thence perceiving that there were many important points in which a joint interest could not be taken, and others in which there could not be joint concurrence, deemed it expedient to withdraw from their connexion as a branch association, subordinate to that of the metropolis, and to constitute from among themselves an independent society, under the denomination of the Madras Native Association, with the view of bringing before Parliament the immediate grievances of their own Presidency.

3. That from the time of dissolving that connexion, your Petitioners have been engaged in condensing the mass of their information and researches into a petition, of which the succinctness should not impair its perspicuity in detail and explanation of the evils that are felt by all, but of which the actual causes, your Petitioners submit, cannot be clearly traced and set forth without a large consumption of time and labour. This Petition they entertain the best hope of being able to bring to a successful completion in time for its presentation to your Right honourable House during the early part of the Session of 1853; but having received private intimation by the mail of the 8th of August that the discussion on the weighty question of the Charter will probably commence before the close of the present year, and that the destinies of this important and extensive portion of Her Majesty's dominions may be determined for another period of 20 years, before your Petitioners can have an opportunity of stating their grievances to your Right honourable House, in the full and explicit manner above alluded to, they humbly express their hopes that time will be graciously allowed them for the transmission of the said Petition, now in course of preparation, prior to the closing of the inquiry by the Committee of your Right honourable House.

4. That the grievances of your Petitioners embrace, principally, five points:

First. The present mode of raising the revenue of Government, particularly that part derived from agriculture, which, under the ryotwar system, is so oppressive to the vast mass of the population, that it has ground them down to the extremity of wretchedness and poverty.

Secondly. The salt monopoly, which is felt by the poor to be a burthen of the most painful and intolerable pressure.

Thirdly. The defects and evils attending the general administration of justice in the Honourable Company's Courts, which are presided over by judges not duly qualified by a course of legal education, who administer a system which does not secure to persons criminally arraigned that fair and open trial by their peers which obtains in the Queen's Court of Judicature, and which your Petitioners humbly think should be allowed to all subjects of the British Crown.

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Fourthly. The almost total neglect of national education, there not being a single provincial school established by Government throughout the entire Presidency, and only one at the capital.

Fifthly. The great deficiency and neglect of works of irrigation and public highways for the transport of produce.

5. That besides the above special points, there are many others connected with the general administration of the Government on which your Petitioners propose to dwell in their petition not yet completed, and which, therefore, they now forbear to specify.

6. That, finally, your Petitioners, feeling the grievances to which they are desirous of drawing the attention of your Right honourable House, with a view of procuring their redress, to be deeply subversive of the interests and happiness of the people of this Presidency, as well as the prosperity of the country, humbly pray that time may be granted them for the presentation of their petition to your Right honourable House.

And your Petitioners, as in duty bound, shall ever pray.

Madras, Native Association Office, the 11th October 1852. (Signed by 11 Natives.)

PETITION of RUNGO BAPOJEE, the next Friend, and by Will one of the appointed Guardians of SHAHOO MAHARAJ, an Infant and Minor, who is the sole Male next-of-kin, and also the lawfully adopted Son and Heir-at-Law of his late Highness PERTAUB SHEAN, Rajah of SATTARA, deceased, and also the nearest Male next-of-kin and Heir-at-Law of his late Highness APPA SAHIB, also Rajah of the said State, deceased, praying for the Restoration of the said SHAHOO MAHARAJ to his Rights and Property, or that the Petition may be referred to the Select Committee on the Government of INDIAN TERRITORIES.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The Petition of RUNGO BAPOJEE, the next Friend, and by Will one of the appointed Guardians of Shahoo Maharaj, an Infant and Minor, who is the sole Male next-of-kin, and also the lawfully adopted Son and Heir-at-Law of his late Highness Pertaub Shean, Rajah of Sattara, deceased, and also the nearest Male next-of-kin and Heir-at-Law of his late Highness Appa Sahib, also Rajah of the said State, deceased,

Showeth unto your Right honourable House,

THAT his late Highness Pertaub Shean, above named, was the sixth Rajah of Sattara in descent from Sivajee Chuttraputtee, who founded the empire of the Mahrattas, and transmitted it to his descendants.

And your Petitioner further sheweth, that in the year 1817 the late Bajee Rao, being then the peishwa or prime minister of that empire, but who had usurped its government, and made the Rajah Pertaub Shean his captive, made war in the name, but contrary to the desire of his master the rajah, against the East India Company, and that, in consequence thereof, and by the advice of the Rajah Pertaub Shean, the Honourable Mountstuart Elphinstone, then being the British Commissioner at Poonah, duly appointed and acting under the authority of his Excellency Marquis Hastings, Governor-general of India, did, on the 11th day of February 1818, publish a proclamation, addressed by and in the name of the Rajah Pertaub Shean, to the Mahratta nation, warning all its princes, chiefs, nobles and people to refrain from hostilities against the East India Company, and commanding them to abandon the peishwa, under pain of treason in case of disobedience to him the rajah. The proclamation also stipulated, in the name of the Governor-general of India, that when and so soon as the rajah should be released from the peishwa's captivity, he should be "placed at the head of an independent sovereignty," adequate to his dignity and lineage.

And your Petitioner further sheweth, that on the 20th day of February 1818, at Ashtee, in India, the Rajah Pertaub Shean, being then detained against his will by the peishwa in the midst of the peishwa's forces, who were actually engaged in battle with the British forces, did leave and abandon the forces of the peishwa, and go over to the British, bringing with him his mother, his two brothers, and others his kindred, and that on arriving amongst the forces last mentioned, the rajah surrendered himself, family, and attendants to Captain Pringle Taylor, now a lieutenant-colonel in Her Majesty's service, and that thereupon, and in consequence of such abandonment, the peishwa and his forces left the field of battle, dispersed, and fled, whereupon the commander of the British forces, the late Lieutenant-general Sir L. Smith, in token of the manner in which the victory of Ashtee was gained, hoisted on the

walls

walls of the fort of Sattara the royal standard of the rajah, and caused the same to be saluted by the whole of the British forces.

And your Petitioner further sheweth, that, in performance of the stipulation aforesaid, a solemn treaty, bearing date the 25th day of September 1819, was made and concluded between the East India Company, in the name of the English Government, of the one part, and the Rajah Pertaub Shean of the other part; by the first article of which treaty the territory constituting the state of Sattara was confirmed and guaranteed "to the Rajah of Sattara, his heirs and successors, in perpetual sovereignty," under the protection of the Crown of Great Britain, which treaty was duly acknowledged and ratified by the English Government.

And your Petitioner sheweth, that the Rajah Pertaub Shean was in the year 1836 accused upon certain secret and ex-parte charges by the East India Company, and was in the year 1839 declared by them, they being his accusers and judges, guilty of those charges, without having been heard in his defence; and was thereupon, and in consequence of such declaration, deposed from his sovereignty, forcibly deprived of his property and effects, real and personal, public or political, as well as personal or private, and he himself taken from Sattara, removed under the custody of a military guard to Benares in Bengal, and there kept a prisoner in such custody down to the 14th day of October 1847, when the rajah died, without having obtained any hearing of or reparation for his grievances, notwithstanding his many applications to the East India Company for such hearing and reparation, and notwithstanding his continued denials of the truth of the said accusations, and his offers to prove their falsehood before any British tribunal.

And your Petitioner further sheweth, that at the time the Rajah Pertaub Shean was removed captive from Sattara to Benares, the East India Company, by Sir James Rivett Carnac, Governor of Bombay, gave the rajah a written guarantee and pledge, dated 30th August 1839, in the words following: "An annual allowance will be assigned from the Sattara revenues for the support and respectability of himself and those members of his family who may choose to accompany him." "Further, that all property belonging to him *bonâ fide* private, and not appertaining to the state, will, on his peaceable submission, not be interfered with." Which written guarantee was three times repeated subsequent to such deposal.

And your Petitioner further sheweth, that immediately upon the deposal of the Rajah Pertaub Shean, the East India Company, recognising the validity and unbroken obligation of the treaty of 1819, acknowledged and declared his late Highness Appa Sahib, the surviving brother of the deposed rajah, to be his heir and successor in the principality, and did proclaim Appa Sahib to be the Rajah of Sattara accordingly; and did furthermore, in and by a second formal treaty, which was, at the dictation of the East India Company, made and concluded on the 4th day of September 1839, between the Rajah Appa Sahib of the one part and the East India Company of the other part, and was duly acknowledged and ratified, solemnly and for the second time assure and guarantee the state of Sattara to the rajah thereof, his heirs and successors, in perpetual sovereignty, and did also confirm the first treaty of the 25th September 1819.

And your Petitioner sheweth, that by a proclamation, bearing date the 5th day of September 1839, at Sattara, being the day after the date of the second treaty, the British Resident there, acting under the orders of Sir James Rivett Carnac, Baronet, Governor of Bombay, notified by proclamation to the people of Sattara that the East India Company, having no views of advantage and aggrandizement, had resolved to invest the brother and next in succession to the deposed rajah with the sovereignty of the state, according to the limits fixed by the first treaty, and all persons residing within his territory were required to render to him allegiance as Rajah of Sattara; which proclamation was afterwards duly recognised and approved by the British Government.

And your Petitioner further sheweth, that the Rajah Appa Sahib departed this life on the 5th day of April 1848, at Sattara, without issue.

And your Petitioner further sheweth, that the Rajah Pertaub Shean did, according to Hindoo law, adopt as his son the infant Shahoo Maharaj, and by his will, dated 10th October 1845, which was executed and published by him at Benares according to the forms of that law, he declared and directed that Shahoo Maharaj should succeed him in his rights, property (private and public), titles, and in everything appertaining to his rank, station, and person; and that the rajah did immediately, publicly, and in a formal manner, notify this adoption to the East India Company through Lieutenant-colonel Carpenter, the officer then having the custody of the rajah at Benares; which adoption the East India Company at that time never questioned.

And your Petitioner sheweth, that Shahoo Maharaj is by birth the lawful and only son and heir of the late Bulwunt Rao, commonly called Balla Sahib Sennaputty, who, in his lifetime, was thus described by Sir Robert Grant, Governor of Bombay, in a minute dated 30th January 1837: "The question is as to Balla Sahib Sennaputty; he is the near relation of the rajah (Pertaub Shean), and supposing that the rajah and the rajah's brother (Appa Sahib) set aside, the proper representative of the family." Balla Sahib was carried away captive from Sattara with the Rajah Pertaub Shean, and expired of grief on the journey to Benares, leaving Shahoo Maharaj, born on that journey, a fatherless infant.

And your Petitioner sheweth, that, by the Hindoo law universally obtaining, it was absolutely obligatory upon the Rajah Pertaub Shean to adopt in his lifetime a son and heir according to that law; and that such obligation was not only a legal, but also of a highly solemn and religious character, and binding upon the conscience of Pertaub Shean, and not to be evaded

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evaded or dispensed with; and that the son so adopted according to Hindoo law acquires immediately, upon and by means of such adoption, the style, character, and capacity of a lawful son of the body, as well as of heir, of the prince or person so adopting him.

And your Petitioner further sheweth, that, according to the laws of nations, being part and parcel of the municipal law of the British realm, and also according to the laws and customs of the Mahratta state and the other native states of India, and likewise according to the law and practice of the British Indian dominions, the right of a rajah of any Mahratta or Hindoo principality to give succession to the same by means of male adoption is, and hath ever been, an indisputable and immemorial right, and your Petitioner humbly submits that the same cannot now be lawfully questioned by the East India Company, or by any person or persons whomsoever.

And your Petitioner further sheweth, that, upon the death of the Rajah Appa Sahib, the sovereignty of the state of Sattara and the public property, which by express letter and spirit of both treaties above mentioned descended of right to the next heir of the deceased rajah, were claimed and seized by the East India Company upon the pretence of a failure of male heirs to both rajahs.

And your Petitioner further sheweth, that the infant Shahoo Maharaj, being not only the adopted son of the Rajah Pertaub Shean, but also his male next of kin, and also the sole next of kin and heir of the Rajah Appa Sahib, even if the act of adoption had not taken place, he would according to law and to the second treaty have equally inherited upon the death of the Rajah Appa Sahib in such his character of male heir and next of kin, and that therefore, both by adoption and by blood, Shahoo Maharaj is now the undoubted lawful heir of the Rajah Pertaub Shean, as also of the Rajah Appa Sahib.

And your Petitioner sheweth, that Shahoo Maharaj also claims to be entitled as heir to the private property and effects, real as well as personal, of the Rajah Pertaub Shean, and which were taken possession of by the East India Company on the rajah's captivity and removal to Benares in September 1839, and which were guaranteed to him by the East India Company expressly in addition to the annual allowance settled upon him at that time.

And your Petitioner showeth, that the East India Company have hitherto wholly refused to accede to his applications made in this behalf, and have hitherto retained, and still do retain, possession of the state of Sattara and of the public and private property and effects belonging to Shahoo Maharaj, and claim in the name of the British nation the right to retain and appropriate the same, and that they have retained and appropriated the same accordingly; and that in particular, by a proclamation, dated the 12th day of May 1849, and published in India, the whole of the state of Sattara hath been, and is, in violation of the above treaties, and in confiscation of the rights of Shahoo Maharaj, annexed and declared to be annexed unto the Indian territories; and that the East India Company, in order to colour such unlawful appropriation and spoliation, pretend that the succession of the two rajahs, Pertaub Shean and Appa Sahib, has lapsed by failure of heirs, whereas your petitioner has shown, and does show, and is ready to verify the contrary of such pretence to be the truth; first, by the written testimony above cited of Sir Robert Grant, Governor of Bombay; secondly, by the evidence of H. B. E. Frere, esq., the Company's Resident at Sattara, affirming that no such failure hath occurred, the Resident having declared, in his letter to the Bombay Government, dated the 23d September 1848, "that there were numerous claimants to the throne (of Sattara), who would be able to establish a very good *primâ facie* case, in any court of justice in India, to be the rajah's heir by blood as against the British Government;" and having further written as follows: "I would take this opportunity of respectfully, but very earnestly, pressing on Government the risk of pronouncing any final decision, whether in favour of one adoption against another, or of the British Government against both, and against all other claimants, without allowing every party whose claim may be negatived the fullest possible opportunity, not only of himself stating the grounds of his own claim, but of answering all objections."

And your Petitioner further sheweth, that he hath repeatedly presented to the East India Company his complaints touching the grievances and wrongs done to Shahoo Maharaj, and sought reparation for the same, but that all his complaints have been unheeded, or rejected without examination or inquiry; and that, to add to these grievances, and also with the view of compelling Shahoo Maharaj to renounce and abandon the prosecution of his claims in that behalf, the East India Company did for several years deny to him and to the widow or ranee of the Rajah Pertaub Shean, both detained prisoners at Benares (where the infant has been kept since his birth), the means of subsistence for himself and the said ranee, and for their retainers, until such time as they should agree to such written renunciation or abandonment; and as evidence of this conduct, your Petitioner humbly begs to refer to the following papers: No. 669 of 1850, laid before the honourable The House of Commons, and ordered to be printed on the 5th day of August of that year; that is to say, a despatch bearing date "Fort William, Foreign Department, 6th April 1850, signed Dalhousie, J. H. Littler, F. Currie, J. Lowis," and "addressed to the Honourable the Court of Directors of the East India Company," and a despatch in reply thereto, bearing date, "Foreign Department, India House, 10th July (No. 19), 1850," signed "J. Shepherd, J. W. Hogg, &c. &c." and addressed to "our Governor-general of India in Council."

And your Petitioner further sheweth, that, in furtherance of their purpose of forcibly compelling this infant to agree to such renunciation and abandonment, the East India Company have, by withholding from the ranee for about four years the means of subsistence for herself and her household, procured from her some document whereby she hath (as they allege) debarred herself of her right to concur with your Petitioner in his present petition; but

but your Petitioner is advised and submits that, inasmuch as the ranee hath no jurisdiction over Shahoo Maharaj, nor power to sign away his rights, he being an infant and a minor, any such document, even if the same be genuine or valid as against the ranee, and even if not extorted from her under duress and starvation, must be and is, as against Shahoo Maharaj, wholly inoperative and void.

And your Petitioner lastly sheweth, that the amount of the annual revenues of the state of Sattara, so appropriated by the East India Company, is officially admitted now to be more than 142,000 *l.*, and prospectively to be from 400,000 *l.* to 500,000 *l.* per annum, and that the amount in value of the public property and effects belonging or incident to the state exclusive of the revenues, is more than 45,000 *l.*, and the amount in value of the private or personal property and effects appropriated exceeds 300,000 *l.* Further, that of the separate income derivable from real property, bought and left by the Rajah Pertaub Shean, and now appropriated by the East India Company, a portion is derived from lands situated in the territories of the East India Company, and is returned by Viscount Falkland, Governor of Bombay, as of the annual value of rupees 25,520, or 2,552 *l.*

That, by reason of Shahoo Maharaj being treated at Benares as a political prisoner, although denied to be a rajah either by birth or adoption, the local courts of the East India Company are prohibited from entertaining the matter of his complaint in the premises, while by reason of the forcible detention of his person by the same power which refuses to hear him, at the very same time that it degrades and beggars him, he is prevented from placing himself within the jurisdiction of Her Majesty's Supreme Courts in India, and seeking justice from them.

Your Petitioner has, therefore, no possible hope nor human means of obtaining inquiry and redress for Shahoo Maharaj, except from the justice of your Honourable House, and from the supremacy and impartiality of British law.

And therefore your Petitioner humbly prays that your Right honourable House will be pleased either to direct the restoration of Shahoo Maharaj to his rights and property in the premises, or else to refer the matter of this petition, and the case and circumstances as therein set forth, to the consideration of the Committee of your Right honourable House now appointed to review the conduct of the East India Company in India, with instructions to take all evidence which shall be deemed requisite, and to require the production of all proceedings, correspondence, and documents in the possession, or power, or under the control of the East India Company, or their servants, relating to the premises, or of true and exact copies of such particulars respectively, and to report thereon to your Right honourable House.

And your Petitioner will ever pray.

RUNGO BAPOJEE,
Vakeel of his Highness Shahoo Maharaj, Rajah of Sattara,
now at Benares.

PETITION for Inquiry into the present State of the Affairs of INDIA, of Proprietors of East India Stock, and British Subjects interested in the Welfare and Good Government of India.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The Petition of the undersigned Proprietors of East India Stock, and other Persons, British Subjects, interested in the welfare and good government of India.

Showeth,

That from the year 1765 to the year 1792, the limits of the British Territory in India remained almost stationary; that in the year 1793 the revenues of British India amounted to 8,276,770 *l.*, the charges to 6,633,95 *l.*, so that the territory then yielded a surplus revenue of 2,209,846 *l.*, whilst the territorial debt amounted to 7,129,934 *l.*

That between the years 1793 and 1813 large additions were made to that territory.

That in the latter year (1813) the gross revenues of India amounted to 16,764,700 *l.*, the charges to 16,899,362 *l.*, showing an excess of charges over revenue of 134,362 *l.*; that the debt in this period of 20 years had increased from 7,129,934 *l.* to 26,970,786 *l.*, or to nearly four times its original amount.

That the Committee of the House of Commons on Indian Affairs, which sat in 1832, reported to your Honourable House, that up to that period the gross charges of the Indian territory had augmented in a greater proportion than the receipts.

That in the year 1833, 20 years after 1813, the revenues amounted to 13,680,165 *l.*, the charges to 13,630,767 *l.*, showing a surplus of revenue of 49,398 *l.*, but which surplus was partly derived from the sale of the Company's commercial assets in India.

That on the 1st April 1834 the debt amounted to 29,832,299 *l.*

That on the 1st April 1849, 15 years after, when the whole of Hindostan had been brought under our sway, the revenues of India amounted to 18,227,350 *l.*, the charges to 19,700,465 *l.*, shewing an excess of charges over revenue of 1,473,115 *l.*, while the debt had swollen to 48,124,119 *l.*

That from the year 1839-40 to 1849-50, the total charges of India were 183,369,206 *l.*; the total receipts 168,622,144 *l.*, showing an excess of charges over receipts during these 10 years of 14,747,062 *l.*

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That in 1839 the debt of India amounted to 32,269,178 *l.*; in 1849, at the end of the next 10 years, it amounted to 48,124,119 *l.*, and that the debt has since increased, and is at this moment increasing.

That the revenues of India amounted, in 1839, to 14,549,262 *l.*; in 1849, to 18,227,350 *l.*, showing in this decennial period the debt has increased several times as fast as the revenue.

That this increase of revenue moreover arises mainly from a source over which the British Government has no control, viz., from the sales of monopoly opium; that as the receipts from this source were diminished by one-half upon the breaking out of the last Chinese war, the same or more aggravated results may be produced whenever the Chinese government may choose to legalize the cultivation of the drug in China, or whenever other nations, such as the United States, attracted by its monopoly price in that empire, and now possessing boundless land in the Pacific adapted by natural fertility and a congenial climate to the growth of the poppy, shall turn their energy and attention to the supplanting of the Company's opium in China as successfully as they have supplanted the Company's cotton in England.

That your Petitioners entertain a strong conviction that it would be impossible, at the present moment, to supply a deficiency in the opium revenue from any other source in India; that the solvency of India, therefore, now depends, and has for many years depended, upon the stability of that monopoly.

That up to the year 1834, the profits arising from the Company's exclusive trade were applied in aid of the Indian treasury; that from that date all the home expenses, including the interest upon the home debt and the dividends paid to the proprietors of India stock, have been charged upon the territorial revenues of India.

That the confident predictions, which had at all previous times been expressed, and which were again expressed by the Minister of India in 1832, of the competence of the revenues to bear all these additional charges, have not been realized; that, on the contrary, every increase of territory has been followed by a greater increase of debt, making it manifest, that if England possessed the whole world on the same terms, and followed by the same results, as she possesses India, her condition would be one of irretrievable ruin.

That such results prove that India regarded as a national acquisition, that is to say, as an acquisition made by British blood and British resources, and consequently as one in which every subject of the empire possesses a common right, and is entitled to claim an equal interest, was of far less real financial value in the year 1849 than it possessed in the year 1793, 56 years ago; for whereas the surplus revenue of 1793 amounted to 2,209,846 *l.*, and would at the same rate have amounted in the 56 years which have elapsed to the sum of 116,217,610 *l.*, after paying off the then existing debt of 7,129,934 *l.*, and exclusive of any accumulating interest during the period, the actual debt of India is shown to have amounted in 1849 to 48,124,119 *l.*, thus making the total national loss, exclusive of interest incurred in the course of half a century, no less a sum than 164,341,729 *l.* sterling.

That this sum, if it had accumulated at interest at 5 per cent. during 56 years, would have amounted to the sum of 625,290,172 *l.*, a sum which would more than have sufficed to pay off three-fourths of the National Debt of England, without the acquisition of another foot of territory in India, or the imposition of an additional rupee of taxes on the people of India.

That the financial state of India is, therefore, in the opinion of your Petitioners, such as to require a searching inquiry into all the departments of Government, both at home and abroad, in order that these may be placed upon a footing of the strictest economy consistent with efficiency; and in order that it may be determined by the light now afforded by nearly a century of experience, whether a country so acquired and so ruled as India has been by the East India Company, is a real element of national greatness and strength.

That as the Government of India has assumed and exercises the rights of a landlord over all the soil of India, the obvious remedy for the financial embarrassment of that country is the employment of adequate sums for the development of its great productive resources, which are now either lying dormant or are altogether crushed; that money raised by loan at low rates of interest, expended upon works of irrigation, in the formation of railroads, of common roads, and of bridges, and on the indispensable requirements of the rivers and harbours, almost wholly neglected, lying along a coast line of the length of 7,500 miles, a line equal to one diameter and one quarter of the globe, would, in the conviction of your Petitioners, at once lighten the taxation of the people, stimulate their industry, raise their condition, greatly augment the general commerce of the country, and consequently increase vastly the public revenues.

That there would be no difficulty in raising such loans in England to any prudent extent, if the Directors of the East India Company had publicly made known the small comparative cost at which the few public works they have attempted in India have been executed; if they had shewed the great and yearly increasing profitable returns which those works are everywhere yielding upon the capital expended; if all works to be executed, and their returns, were offered to capitalists as the security for the loans to be raised, and if the faith of the British Government were pledged to the money so raised being scrupulously expended upon their execution.

That your Petitioners beg to refer your Right honourable House to the evidence given in 1851 before the Committee upon official salaries for proof, that while the law professes to place the Government of India in the East India Company, it really lodges that authority in the Minister of the Crown, who exercises it without direct Parliamentary responsibility, and under the name of the Directors of that Company; and that whenever the Secret Department is brought into operation, that body, in which the law professes to place the Government of India, is entirely set aside.

That

That such a system is in principle unconstitutional, open to flagrant abuse, and inconvenient in practice, while it causes an enormous waste of public money and time.

Your Petitioners further desire to bring to the notice of your Right honourable House, that from the first formation of the Board of Control in 1784 up to the present time, the instances in which the members of that Board have been actually resident in India are rare; that at this moment there is not an individual belonging to it who has ever visited India; that the Board, therefore, in which the Legislature has vested plenary powers for the government of India is usually wholly ignorant of the character, the feelings, and the wants of the people of India.

That by Section 87th, 3 & 4 Will. 4 c. 85, it was enacted, that no native of India should be disqualified from holding office in India by reason of birth, caste or colour.

That the avowed intention of the Legislature in passing this enactment, was that the natives should be allowed to participate in offices which, up to that time, had been exclusively held by the covenanted servants of the Company.

That, in the opinion of your Petitioners, this enactment has been rendered inoperative by that part of the present system which places the patronage of India in the hands of the executive body of the East India Company; namely, the 24 Directors.

That it is the interest of this body to keep establishments in India at a maximum; their duty to reduce establishments to a minimum; it is their duty to give effect to the enactment above referred to; their interest to make it, as it has been made, a dead letter, because in proportion as natives are admitted to office in India is the initiatory patronage of the executive body diminished.

That to the same cause must be ascribed, in the opinion of your Petitioners, the entire failure of what was considered a most important feature in the plan that was ratified by Parliament in 1833; viz, the allotment of important powers and functions in the administration of Indian affairs to the Court of Proprietors of India stock; the immense patronage at the command of the Executive, enabling the latter, at all times, to command a majority in that Court upon any question.

Your Petitioners, therefore, earnestly solicit that those who may be hereafter entrusted with the Government of India, shall be adequately paid in money, and the patronage of India transferred to other hands.

That your Petitioners beg to remind your Right honourable House that Parliament has twice declared it to be "repugnant to the wish, the honour, and the policy of this country to pursue schemes of conquest and extension of territory in India;" that the Government of India has nevertheless recently expressed its determination to avail itself of every opportunity that may occur of extending that territory, by making forfeitures and escheats of native states; that your Petitioners, therefore, solicit that the law on this subject and the practice may be made to harmonize.

That, as stated by one of the directors of the East India Company in the Court of Proprietors, "Our incessant encroachments and sequestrations of native territories make every native sovereign fear that he will be the next victim, while our constant territorial appropriations and resumptions of rent-free lands, lead the people at large to fear that we are only anxious to make a government of officials on the one hand, and a nation of serfs on the other." That your Petitioners are prepared with evidence to prove that this system of encroachment upon sacred rights has tended to alienate the affections of the people of India from British rule.

That your Petitioners, therefore, request that a competent tribunal may be created in India for determining upon the pretensions of all persons who may claim to be heirs according to the law of India to any native state, principality, jagheer or estate, before the British Government deals with any such as an escheat or declares it to be forfeited and annexed to the British territories.

That a Commission was appointed in 1833 to frame and compile, as was stated, a code of laws for the people of India; that though a very heavy expense has been ever since annually incurred in maintaining that Commission, no such code has been framed. Your Petitioners, therefore, request your Honourable House to institute inquiries into the cause of this failure, and into the cost of this legislative experiment to the people of India.

That when, by the Act of 3 & 4 passed in the reign of the late King, the Supreme Government of India, seated in Calcutta, was invested with a strict control over the subordinate Presidencies, it was the intention of the Legislature that such Government should be partly composed of persons in the service of those Presidencies. That during the currency of the existing Charter, only one individual from the Presidency of Madras has been appointed to the Supreme Council, and not one from Bombay. That as the affairs of those Presidencies are neglected and damaged by the absence from the Supreme Council of persons acquainted with them, your Petitioners pray that inquiry may be made into the cause of this omission, and the manner in which it has affected the welfare of the subordinate presidencies.

Your Petitioners, therefore, humbly pray that your Right honourable House will refer the matter of this petition, and the facts and statements therein set forth, for the investigation and report of the Committee of your Right honourable House appointed to review the conduct and affairs of the East India Company.

And your Petitioners will ever pray.

(signed) Joseph Hume.
[And 9 others].

PETITION,

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PETITION, praying for Redress of certain Grievances in connexion with the Expiration of the EAST INDIA COMPANY'S CHARTER, of the MADRAS NATIVE ASSOCIATION, and others, Native Inhabitants of the PRESIDENCY of MADRAS.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the MADRAS NATIVE ASSOCIATION, and others, Native Inhabitants of the Madras Presidency,

Showeth,

Madras Native Association.

1. That your Petitioners, availing themselves of the Parliamentary investigation into the condition and government of British India, under the charter of the East India Company, now near the term of its expiration, desire respectfully to place before your Right honourable House some few of the many grievances and wants belonging more immediately to the inhabitants of the Madras Presidency; claiming at the same time the indulgence of your Right honourable House, should their statements be found less explicit than diffuse, from the impossibility of obtaining access to official documents, capable of substantiating so fully as your Petitioners could wish the various complaints they have the honour to present: the local government having declined replying to a written application from the Association (dated 15th April 1852) for permission to have copies of necessary papers, and the officers of Government being prohibited from furnishing them.

2. That the grievances of your Petitioners arise principally from the excessive taxation, and the vexations which accompany its collection; and the insufficiency, delay and expense of the Company's courts of law; and their chief wants are, the construction of roads, bridges and works for the supply of irrigation; and a better provision for the education of the people. They also desire a reduction of the public expenditure, and a form of local government more generally conducive to the happiness of the subject and the prosperity of the country; and to these main points your Petitioners beg the consideration of your Right honourable House, respectfully applying in behalf of themselves and their countrymen for those remedies and reforms which, in the wisdom of your Right honourable House, may be deemed expedient and practicable. With this brief explanation, your Petitioners proceed to detail:

Revenue.

3. That, the Hindus being for the most part an agricultural people, the chief revenue of the state is derivable from its crops, which have been taxed or assessed under different modes by the Hindu, Mahomedan and English Governments respectively. With the Hindus, the revenue was collected from each village, through the medium of persons making over to the officers of government its division of the produce in kind, amounting from one-sixth in time of peace, and to one-fourth in times of war or state emergency, as laid down in the Institutes of Manu, translated by Sir William Jones, chapter vii. verse 127,—"Let the king oblige traders to pay taxes on their saleable commodities,—of grain an eighth part, a sixth, or a twelfth, according to the difference of the soil, and the labour necessary to cultivate it:" and in chap. 10. v. 118,—"A military king who takes even a fourth part of the crops of his realm at a time of urgent necessity, as of war or invasion, and protects his people to the utmost of his power, commits no sin:" and v. 120,—"The tax on the mercantile class, which in times of prosperity must only be a twelfth part of their crops, may be an eighth of their crops in a time of distress, or a sixth, which is a medium, or even a fourth, in great public adversity."

4. That this proportion continued to be exacted till the invasion of the Mahomedans, as is apparent from Ferishta, translated by Briggs, where it is found, page 453, vol iv.—"One of the earliest acts of the first King Cashmere in the year A.D. 1326 was to confirm for ever the ancient land-tax, which amounted to 17 per cent., or about one-sixth of the whole produce of the land;" and in the Ayeen Akbery, vol. i. part ii. p. 245, it is stated,—"In former times the monarchs or Rajahs of Hindosthan only exacted one-sixth of the produce from the cultivator." But in the early part of Mahomedan rule, according to Ferishta, the King of Delhi raised the tax to one-half the produce; that of the wet cultivation being delivered in kind, and of the dry, generally in money, at a fixed commutation; and the zamindary system having been then introduced, the payments were made to the zamindars, who were either farmers of the assessment, or persons to whom districts had been granted by the ruling power, in return for past, or the expectation of future services.

5. That when the British Government first assumed territorial property and rights in this part of India in 1759, they found the Northern Circars divided into zamindaries, pallams and ain-lands. In the last-mentioned the ryots paid government dues to the servants of the state, or to renters, who farmed the revenue: in the two former, the dues were paid to the zamindars

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zamindars and poligars, who held their property hereditarily and disposably, so long as they paid the peishcush or tribute, in consideration of which, the management of the lands had been made over to them; and this practice was permitted to continue unaltered till the yea 1769, when three boards, or councils, were established, who managed the revenues, and ruled the country till the year 1789, when a fixed settlement was made with the zamindars, whose revenues were estimated, and they were made to pay one-third of their rental to the Government; and the lands hitherto managed by stipendiary officers, or farmers, being placed under the control of collectors, were parcelled out into divisions, called moottahs, and their tenures sold by public auction. The same plan was acted upon in the new acquisitions of the honourable Company, till the year 1799, when the permanent settlement of Lord Cornwallis was ordered to be introduced, although in the interim, on the occupation of Baramahal and Dindigul in 1793, Colonel Read had been making out a new plan, which, on the failure of that of Lord Cornwallis, after a trial of three years, 1803-4-5, eventuated in the ryotwar system, which, with very slight modification, is now prevalent in seventeen out of the twenty collectorates forming the Madras Presidency, under which the entire assessment is collected in money, and from each individual cultivator, directly by the deputed servants of the State.

6. That your Petitioners, as Hindus, and naturally attached to their national and ancestral customs, have had, and continue to have, the greatest repugnance to the innovations of both the zamindary and ryotwar systems; the more so, as they are both the instruments of injustice and oppression, but especially the ryotwar, the operation of which has reduced the agricultural classes to the deepest poverty and destitution. Ryotwar.

7. That this system was introduced for the double purpose of preventing the accumulation of landed property by the natives,—the zamindarships being hereditary,—regarding which, when recommending the ryotwar system, Sir Thomas Munro records in his Minute of the 15th August 1807, the following observation; "That the great zamindar defies all authority, and will keep the ryots as poor as they have always been, and the small one, or mootahdar, will endeavour to imitate him in his state and armed followers; that though most of the mootahs will finally resolve into ryotwar farms, many of the greater ones will assume the character of zamindaries or poligarships; that the country will be filled with petty armed chiefs, who may hereafter combine to disturb the public tranquillity; and that the system is, on the whole, detrimental to the country, and dangerous to Government." And the desire of rendering each individual cultivator immediately dependent on the authority of the State, while it was imagined that it would altogether exempt him from the vexatious intermeddling of the subordinate servants of the Government; consequently it involved the parcelling out of the whole country into innumerable small portions, varying from one to ten or more acres, or whatever standard of land-measure might happen to be that common in the district. This could not be effected without a complete measurement of each province into which the system had to be successively introduced, and of course the separate valuation of every minute portion, in order to fix the precise rate of its individual assessment.

8. That this most intricate and at the same time gigantic plan was commenced without the aid of a single surveying instrument, except a chain of 33 feet, or a glimpse of scientific knowledge beyond that of the native cutchery gomastahs or clerks, who, as a part of their duty, were to instruct others in the art of mensuration, an art in which, being completely untaught themselves, they had to acquire from no better education than the progress of their own survey. These clerk surveyors were paid *Rs.* 21 per month, and "were encouraged to be expeditious by the hope of gain, and deterred from being inaccurate by the fear of dismissal;" and when to the utter incompetency of these clerk measurers is added the fact that the fields of a village are often confusedly intermixed, not only among themselves, but with the fields of other villages, as, for instance, in a part of the Sheally Talook of the Tanjore collectorate, where, within the space of two-and-a-half square miles, there are parts of seventeen villages, and even these parts of villages are each not a single connected piece of land, but the combination of several detached fragments, while in some places two or more villages are composed of fields belonging to one and another village alternately, and others, where four-fifths of a single field belong to one village, and one-fifth to another, it will be manifest that anything like a correct survey, or even an approximation to it, must have been an absolute impossibility, and it is a well-known and positive fact that there is not, and never has been, any establishment whatever for land surveying, neither has a correct survey been made of any individual portion of the Madras territories up to this day.

9. That one of the immediate consequences of this gomastah measurement was a vast increase in the quantity of land over the ancient measurement by the curnums of villages, the persons who are stated by Sir T. V. Stonhouse, a revenue officer of acknowledged ability, in his "Observations on the Ryotwar of the Madras Presidency," "to have certainly the best knowledge of land measuring of any other class of persons in India." This increase in some districts was so great as 75 per cent., and, as it was impracticable to augment the revenue in the same proportion, the new measurement in these particular cases had to be adjusted by the old, a convincing proof that the attempt was a helpless failure.

10. That in proceeding from the survey to the classification of the land, the task was scarcely less formidable, and it was begun by sending two assessors to classify the space measured

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measured by ten surveyors; their business was to arrange it under the principal divisions of wet, dry and garden land, subdividing these again into various classes, according to the presumed quality, by a process so perfectly arbitrary, that in some districts the wet land had 12 classes, the dry 20, and the garden land as many; in others the wet had 4 classes, the dry 12, and the garden 4, while it was of continued occurrence that two fields adjoining each other would be entered in different classes, and even single fields were placed in the same improbable, if not impossible category. As might have been expected, these assessors, partly from ignorance, and partly from the persuasion of bribery, made a great many erroneous classifications, and accordingly it was thought advisable, for the sake of producing uniformity and checking abuses, to appoint five head assessors, selected from the body of subordinate ones; but even these could not be trusted for judgment and impartiality, and the whole of their revisions had to undergo a complete examination at the collector's cutchery.

11. That the classification having been thus settled, not by the returns of the assessors, but by the arbitrary opinion of the cutchery, the next step was to fix such a sum as it was thought would be the fair assessment for the district in its then present state, that furnished by the assessors being mistrusted equally with their classification, which operation immediately reduced the assessors' estimate from 5 to 15 per cent. on the aggregate; and the next step was to distribute the sum fixed as the aggregate of the district among the different villages it contained, thus causing a second alteration in the assessors' estimates, and by which, what was deducted from one set of villages, was added to another; after this a third alteration had to be made at the end of the year, causing a further reduction on fields asserted by the cultivators to have been over-assessed, and it usually amounted from 1 to 1½ per cent.

12. That, having thus briefly alluded to the utter futility of the measurement, and the fallacious classification of the land, your Petitioners would next call the attention of your Right honourable House to the amount of the assessment and its commutation into money. The amount exacted under the Hindu Princes never exceeded one quarter, or 25 per cent. on the gross produce; this the Mahomedans doubled, acting on the principle that the rights of a conquered country cease and determine by the act of conquest, the proprietary right of the land being transferred to the conquerors, and that, as it is lawful to take the whole of the persons and property of infidels, and to distribute them among the Musselmans, it follows that taking only half their incomes was an act of mercy.

13. That this amount of revenue, fixed by the principles of the Koran, has continued to be exacted by the East India Company, but your Petitioners apprehend without the same appearance of justice; for, to say nothing of the difference of creed, the way in which the Company obtained possession of the country is strikingly dissimilar. The Mahomedans conquered by and for themselves, but from the earliest date of the Company's acquisitions on the coast of Coromandel they have always had the assistance of the natives of the country; first as armed peons, and subsequently as trained soldiers, who have stood by them in all their battles, whether against other European powers, or the Mahomedan dynasties from whom the conquest was achieved, and who now form seven-eighths of the military force by which the British territories are defended; consequently the people claim to be regarded by the English as friendly allies, rather than infidels and vanquished enemies; and, as the Company profess to govern for the benefit of the country, as well as for their own, something more ought to be left to the cultivator than the miserable pittance required for the support of himself and family, and for seed; and yet even so much as this pittance is not left him under the operation of the ryotwar system.

14. That, adopting the amount of one-half as the revenue due to the State, the authorities of the day commuted this share into money, in what way your Petitioners cannot say, as Colonel Munro, the principal agent and authority, has not explained it in any of his reports, nor has he imparted any information as to the data and principles on which he formed his tables of rates for the different classes of lands, and even up to this date there is no fixed system of commutation; but different modes are practised, not only in different districts, but even in the various sub-divisions of each district. The immediate consequence of this commutation was a gradual and general fall in the price of all grains, which for a long series of years past has been so low as to reduce all but the most substantial ryots to a state of almost beggary; thus, for instance, as in the southern division of Arcot, where the price at the date of its survey was five cullums per pagoda, on a piece of land producing 100 cullums, the half share of 50 cullums being converted into money, paid the Government the sum of 10 pagodas; but as the present price is seven cullums per pagoda, the ryot must dispose of 70 in order to meet the assessment, retaining for his share only 30, which gives him 42-7ths pagodas in the place of 10, while the Government receives 10 pagodas as the half share of 142-7ths pagodas, the selling price of the 100 cullums; and a similar deterioration in the value of grain has taken place throughout the whole Presidency.

15. That the extent of this evil is shown in a voluminous Minute of the Board of Revenue, dated 5th January 1818, which acknowledges that, "while the ryotwar survey assessment professed to fix an equal and moderate tax in money on each field, in almost every instance it greatly increased the Government demand upon the country. In Dindigul it nearly doubled the public assessment: in Barahmahal it increased it 21 per cent. In the northern division

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division of Arcot the additional imposts and illegal exactions of the renters under the [former] native governments were, by the ryotwar survey, incorporated with the land rent. In Nellore the highest rate of teerva [money payment] fixed on the finest land was alone declared to be the ultimate limit of the Government demand upon all land; and even in the ceded districts, where it was perhaps most moderate, the demand on the land was raised so high as to be in general greatly beyond the resources of the people."

16. That Sir Thomas Munro having returned to Europe in the year 1807, and these evils of the ryotwar exceeding all bounds, the Government of Madras had recourse in the year 1808 to the partial introduction of the village settlement; first, for three, and subsequently for ten years. Under the triennial settlement the lands were rented out to contractors, the average collection being taken into consideration, and the highest proposals accepted; and, this being found but little less objectionable than the ryotwar system, the next resource was the decennial settlement, on the principle of assessing for the said term of years a fixed sum as public revenue, and, in consideration of the payment of that sum, making over for that period the Government right to the public revenue from the entire land of the whole village, both arable and waste, to the village community, by a direct settlement with the whole body of ryots collectively, or with the heads of the village. When the village was not rented in this manner, the public revenue was collected, either by an intermediate renter, or by the officers of Government, and in kind or money, as might be the local custom.

17. That this system was progressing in a manner most favourable to the ryots and the public revenue, when in the year 1818, the Court of Directors having determined upon enforcing the ryotwar, ordered it to be resumed, and prosecuted under a modified form, called the field ryotwar; and when, in the year 1820, Sir Thomas Munro arrived in Madras as Governor of the Presidency, the exorbitant taxation of the old system was sought to be alleviated by a reduction of ths assessment, to the amount of 25 per cent. on dry and wet lands, and 33 per cent. on garden lands, in the ceded districts, where the Board of Revenue esteemed the assessment "most moderate." A reduction of 12½ per cent. was also made in the district of North Arcot, and similar reductions were directed to be made in other districts, conditionally. Remissions are likewise taking place on account of failure of crops from year to year; but these partial changes, forced upon the Government by necessity, have little or no effect on the evils inherent to the system, which press the more heavily on the ryots, because it is almost entirely under the management of the collector's deputy, the tehsildar, who, as his executive officer, possesses all the power of the collector, fiscal, police, judicial, and miscellaneous, and the control not only of his own immediate establishment, but over all the village officers within his district, which contains, on an average, from 100 to 300 villages, with a revenue from 1 lack to 2½ lacks of rupees.

18. That the tehsildar of each talook—such is the denomination given to his division—on the 12th day of July in every year, proceeds (in some places by himself, in others by his subordinates) to fix the quantity of land to be taken up collectively and individually for the year ensuing. By this settlement, called the dittum, or fixation, each ryot ought, by the 4th section of "Standard Manual of Rules," dated 10th January 1850—"occupants of land are at liberty to enlarge or contract their holdings in both cases (*i. e.* as to increase or decrease) by entire fields"—to have only such land as he chooses to accept; but really, owing to the tehsildar's authority, he is compelled to take such as this officer is pleased to appoint, and it is only by the force of bribes, smaller or larger, according to circumstances, that the ryot is permitted to escape from an oppressive allotment as regards its quality.

19. That at the time of this settlement all the poorer ryots, by far the more numerous of the entire body, stand in need of advances for the purchase of bullocks lost during the past year, as well as for seed, the repair of their own wells and implements, and in order to procure hired assistance from those who have not taken up any dittum; and the cirkar or government generally allows advances of money, called tuccavy, to be made on this account, security bonds being taken from the surety; but as the allowed sum is always far too little to meet the wants of all the applicants, there is necessarily a competition for the tehsildar's favour in its distribution, for which he obtains from the successful candidates a bonus or deduction from their respective advances, averaging 10 per cent. upon the whole tuccavy; and thus the ryotwar system, whilst it professes to raise the ryot from poverty to independence, by inducing him to cultivate on his own account, actually tends to saddle him with an annually augmenting load of debt, and converts him from a poor but free labourer into a beggar and a slave. On the general effects of this system of encouraging cultivation, your Petitioners quote the following remarks from the work of Sir T. V. Stonhouse, before quoted:—

"As regards tuccavy, or advances for cultivation, it was a principle of Sir T. Munro's ryotwar that tuccavy was to be gradually discontinued; and has it been so even in the ceded districts, although a period of nearly 40 years has elapsed since that rule was made? Are not tuccavy advances still made, year after year, to the ryots of Bellary and Cuddapah? The records of the Board of Revenue and of the Government can supply the answer. The tuccavy advances in Bellary are so large as very recently, I believe, to have attracted the notice of Government, and to a call for explanation; and it is only in consequence of the stringent orders from the Court of Directors, four or five years back, that the annual advances for tuccavy, in the several districts, have been considerably reduced. The average (Report, 15th August 1807.)

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advances of the last five years have been only *Rs.* 3,52,872,* while that of the preceding five years was *Rs.* 6,73,579,† and in previous years still larger; and the discontinuance of tuccavy, in the course of time, like the rest of the advantages expected from the introduction of the ryotwar system, has proved a mere illusion, and one of the many fanciful theories of the system doomed to end in no practical result."

It often happens, when impoverished ryots absent themselves on the day of dittum, to avoid having again forced upon them the occupancy of lands by which they incurred loss at the previous jummabundy, that these lands are forced by the tehsildar on one or other of the ryots who are present; and when there is a failure of rain for the cultivation of the dry lands, which pay a lighter assessment than the wet, if the ryot should have recourse to the water of the tanks or reservoirs, instead of being charged the fixed water-fee levied on wet lands, he is compelled to pay the full assessment for a wet crop.

20. That the aforesaid water-fee is levied for the declared purpose of repairing the tanks, and keeping up the usual means of irrigation; but, notwithstanding the tax is levied for this purpose, the ryots are compelled to make all the repairs required within a certain amount; and whenever the means of irrigation is impeded, as it always is when in the monsoon rains the water-floods fill up the channels with sand, the ryots are forced, under penalty of heavy fines, to quit their agriculture, in order to clear out the channels, although many miles distant from their habitations, hiring labourers to do their work in their absence, and without receiving any remuneration for their labour; and the overseers of this business being the Government servants, they have thus a perpetual occasion for the exercise of oppression and injustice; for the tehsildar, being invested with magisterial powers, can and does confine, at his own cutcherry, all ryots who resist his demands, and whom he carries in custody along with him from place to place, as he shifts his cutcherry, until he coerces them to obedience.

21. That these are a few of the many grievances endured under the ryotwar, between the settlement of the dittum, on the 12th July, and the fixation of the kist or money amount of the assessment, called jummabundy, which takes place from the month of December to that of March following, when another officer of the collector, called the sheristadar, or head revenue officer, aided by his subordinates, proceeds to examine the dittum, and to declare the amount payable by each individual ryot, according to the previous settlement of the tehsildar, after having deducted the Government remissions, on account of crops that have fallen short, owing to damage from the weather or drought, from an insufficiency of irrigation.

22. That it is an easy thing to make this jummabundy an instrument of the grossest tyranny, the single word of the sheristadar being that which determines whether there shall be any remission, and how much, or none. On the wet lands, or those cultivated by irrigation, no remission is permitted, unless the produce has fallen short of the average to the amount of 10 per cent.; the ryot may then apply for a remission; but, as by the Government regulations the verification of the sheristadar is indispensable, in order to render the application successful in the ear of the collector, the sheristadar has every applicant at his mercy; besides which, during the whole time of this settlement, the collector's establishment has to be supplied with provisions by the ryots gratis.

23. That the only check upon these multitudinous and never-ceasing oppressions, viz. an appeal to the superior officer, is the addition of mockery to misery. The tehsildar will receive no complaint against his inferiors, and when the ryot would approach the collector, his petition will be stopped, if possible, in its way by the jewabnevis, or interpreter; or should the petition reach its destination, it is read to the collector by this officer, who having generally the opportunity of a previous perusal, and taking advantage of the collector's imperfect acquaintance with the vernacular, adroitly omits the most important parts, and foists in qualifying language of his own; but should a hearing be eventually granted, in spite of all obstacles and trickeries (if the ryot can produce no witness, every ryot being more or less afraid to come forward from dread of future injury), his complaint is rejected, as unworthy of credence; and if he produces several witnesses, it shares the same fate, on the plea that he has hatched a conspiracy in support of a falsehood. Should the ryot then carry his appeal to the Board of Revenue, the complaint is transmitted to the collector, who, in reply, gives the wrong to the ryot and the right to the Government servants; and, in virtue of this reply, the ryot is denied further inquiry. Sometimes, indeed, the appeal is carried as far as the Governor in Council, and even, though very seldom, to the Court of Directors; but as the court sees through the eyes of Government, the Government through those

	Co.'s Rs.		Co.'s Rs.
* 1839-40	3,82,366	† 1834-35	7,10,909
1840-41	3,16,704	1835-36	6,67,930
1841-42	3,51,555	1836-37	6,01,761
1842-43	3,53,559	1837-38	6,42,624
1843-44	3,60,178	1838-39	5,44,674
Average	3,52,872	Average	6,73,579

those of the Board of Revenue, the Revenue Board through those of the collector, and the collector through those of his sheristadars and tehsildars, the ryot is in every case handed over to his original tyrants and tormentors, to whom he must make pecuniary amends for his fruitless attempt to obtain redress, or stand the consequences at the next arrangement of the dittum and jummabundy, by the very Government officers from whose vexatious exactions it was pretended to set him free, by the introduction of the ryotwar system.

24. That the jummabundy having thus finally determined by the end of March the amount payable by each ryot, he is bound to liquidate it prior to the ensuing month of July, the period for the settlement of the next dittum; and as the three intervening months are precisely those in which the price of grain is at the lowest, in consequence of the recent harvest, he has to undergo a third series of losses and misfortunes, from the circumstance of his being compelled within that time to turn so much of his crop into ready money as will suffice to realize the sum specified for the Government kist.

25. That although this space of three months is nominally allowed for the realization of the kist, still the tehsildar, with whom the collection rests, is very anxious to obtain the instalments as early as possible, in order that he may at once preserve the good opinion of the collector, and avoid the fine to which he is liable, should not the whole or the greater part be liquidated before the period of limitation has expired; and accordingly he is constantly urging the ryot to dispose of his crop, which he has been permitted to reap, on giving security to the village officer that the money shall be paid, and liquidate, if not the whole, at least a part of the amount; this urging comprehending the sending for the ryot, and confining him in the cutcherry, until he shall have undertaken, in presence of witnesses, to pay a stipulated instalment on a certain day; by which the ryot, in addition to the loss he sustains by being detained from his labour, perhaps a week or 10 days at a time, is forced to part with so much of his crop, whether cut or standing, for any price which the nearest grain merchant, taking advantage of his pressing necessity, chooses to offer; and this process of urging on the part of the tehsildar, and of sacrificing his property on the part of the ryot, continues till, perhaps—for the occurrence is not unfrequent—the disposal of the entire crop failing to raise the money-payment of the amount due to the State, the poor ryot has to sell his bullocks, his farming utensils, and the little rest of his property in order to make up the deficiency.

26. That, in order to possess your Right honourable House with some idea of the cruelties under which the ryotwar system can be, and actually is, exercised by the Government servants, your Petitioners will quote an instance occurring in the year 1851, when certain ryots in the zillah or collectorate of Guntoor, unable to obtain redress from the collector, the commissioner, and the Board of Revenue, presented a petition to the Governor in Council, to the following effect:—That at the dittum settlement of the previous year, on their refusal to accept the dittum offered to them by the tehsildars of six different talooks, because it included lands that had been relinquished, and others which were not liable to assessment, and because the lands bearing assessment were then re-measured with new ropes, shorter by one cubit than the legal measure, some of them were compelled, by imprisonment and corporal punishment of various kinds, to put their names to the dittums; and when others ran away from their talooks, to avoid the like treatment, the curnums of the villages forged the names of those who had absconded to the dittums that were assigned to them; they who remained complained to the collector, who said the dittums should not be altered, and refused redress; and when the jummabundy came round, on their refusal to pay the excess of the assessment, the houses of the ryots were stripped of their roofs; their ploughs, ploughing cattle, grain seed, and forage for their grazing cattle, were seized by attachment, and sold by auction; some ryots were arrested as security for the balance still unpaid from the proceeds of the auction; the houses of others were broken into and plundered by the peons, who were paid batta from the proceeds of the sales; their herd cattle were not permitted to graze, and their families prohibited taking water from the tanks and wells for domestic purposes. Their petition to the Governor in Council was transmitted to the collector in the usual way, when that officer applied for two years' leave of absence; and there the matter rests to this day; and, although your Petitioners confine themselves to a single and recent example, they do not scruple to assert that, in a greater or less degree, these practices are prevalent throughout every division of the Presidency.

27. That while such are the evils of the ryotwar, as respects the state and condition of the people, it entails no small share of evil upon the Government, from the large establishment which has to be entertained for the collection of the revenue; on which point your Petitioners beg to solicit the notice of your Right honourable House to the description given by Sir T. V. Stonhouse, in the work to which they have already referred:

"The cause of the heavy charges of management under the ryotwar system is its endless and varied details, requiring a multiplicity of revenue officers in the talooks to keep the accounts, and so on, through every gradation of office, from the tahsildar to the Board of Revenue. I do not hesitate to say that at the very lowest, one-third of the public expenditure now incurred in maintaining the ryotwar system would be saved under a village lease or aumany settlement, and more especially the establishment of a native board of revenue would be saved. I do not mean to affirm that this establishment is necessary even for ryotwar management, for I do not believe it to be so, and the Board of Revenue conducted its duties as efficiently before its creation. With practical revenue officers as members of the Board of Revenue, it cannot be required, and its expense is not confined to itself, as the

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the sheristadar cannot be supposed to know the language of all district servants who are entertained in the several collectorates, to render the accounts into Mahratta, that they may be intelligible to the Board's sheristadar, his deputy and establishment. The formation of this unhealthy excrescence on the charges collection of this Presidency by Sir T. Munro, would have looked better had not his old and favourite ceded district servants been selected by him to fill the principal offices created by it. The charges collection of this Presidency have increased on an average from 12 to 15 lakhs of rupees per annum since the introduction of the ryotwar system, and the difference would have been still larger but for the abolition of the principal collectorships, and other reductions made in late years in the salaries of collectors, and of their establishments, the effect of which has been to leave the latter inefficient, and insufficient to carry on satisfactorily a system of revenue management so complicated and detailed as that of the ryotwar."

"During the decennial rents, or from 1809–10 to 1819–20, the charges collection for the year amounted on an average, in round numbers, to *Rs.* 25,76,000. The charges for each year are exhibited in the margin.* The charges collection since that period, or from 1820–21 to 1843–44, a period of 24 years, have averaged 38,49,000, exhibiting an average excess of annual charge, compared with the former period, of *Rs.* 12,73,000; but the average of a similar period of 11 years, or from 1830–34 to 1843–44, is 40,74,000, and gives an excess annual charge of *Rs.* 14,98,000, or nearly 15 lakhs of rupees—the charges collection in each year exhibited in the margin."†

"If there are advantages, therefore, in the ryotwar system, the Government pays dearly for them. It might be fitting a great and enlightened Government to make such sacrifices for real and admitted benefits; but, so far from being admitted, they have from first to last been questioned, the system denounced as vicious by many of the ablest revenue officers of the Government, and their existence in no way substantiated even by the advocates of ryotwar, or by practical results."

"It is not on the score merely of an expensive establishment that the ryotwar system proves so heavy a drag on the finances of the Government. There is a further expense inherent in it, from which other systems are comparatively free, viz., charges for the repairs of tanks and other sources of irrigation. This is a heavy annual drain upon the revenue of the country, and much of it, owing to the defectiveness of local check and supervision, unprofitably spent, or rather not spent at all, but which finds its way into the pockets of the public servants. Even so far back as 1828, the Court of Directors noticed the heavy charge it occasioned on the finances of the country, and observed that, although they were far from entertaining a wish that anything necessary for so desirable an object as the irrigation of the country should be withheld, it was of high importance that these charges should be under the strictest control, and be distinctly brought to their notice at the periods of their necessary occurrence. The amount expended on this account, from 1805–6 to 1843–44, has been upwards of 243 lakhs of rupees, and the average expenditure of the last five years has been upwards of six lakhs.‡

"Under a zemindary settlement the Government is relieved from this heavy annual expense, and under a village settlement is relieved of a great portion of it; for, under a village rent, fixed on the low scale adopted for a ryotwar settlement, there would be no necessity for the Government to undertake, or be responsible for, repairs beyond those of masonry works. All earthwork to bunds of tanks, and the clearing of channels, should devolve upon the villagers, who would do it much more effectually in their own way, and at not a third of the amount disbursed by Government on such works. Such a measure would only be a return to the usage of the country. Another disadvantage of this system, of throwing the whole expense of tank, &c., repairs on the Government is, that it forces cultivation, and militates against that principle of the ryotwar system which leaves the cultivator at liberty to cultivate as much or as little as he pleases. This is a fundamental rule of the ryotwar system. 'It must be clearly understood,' say the Board, 'that the revenue is to continue as at present, subordinate to justice; that freedom of labour to the ryots is, by the Court of Directors themselves, declared to be the basis of the new settlement, and that, therefore, no restraint whatever inconsistent with it can be imposed upon them.' The same principle was also clearly prescribed by Sir T. Munro himself during his government. 'The ryots should be allowed to cultivate as much or as little as they please; they will always occupy as much land as they can cultivate profitably, and it is not the interest of Government that they should cultivate more.'

Minute, 5th January 1818.

From Government, 8th September 1820, to Board of Revenue.

"Every revenue officer knows that if this rule were observed, the Government would scarcely receive half of the revenue it now does. If ryots were allowed to cultivate as much or as little as they please, or, to use the language of Government, those lands only which they could

		Co.'s Rs.
* 1809–10	-	24,18,074
1810–11	-	23,76,847
1811–12	-	24,11,354
1812–13	-	26,63,864
1813–14	-	23,98,741
1814–15	-	24,34,426
1815–16	-	24,41,683
1816–17	-	26,46,143
1817–18	-	27,40,360
1818–19	-	29,21,152
1819–20	-	28,88,462

		Co.'s Rs.
† 1833–34	-	37,70,351
1834–35	-	39,30,127
1835–36	-	40,33,118
1836–37	-	40,32,928
1837–38	-	41,31,461
1838–39	-	41,37,519
1839–40	-	41,64,394
1840–41	-	41,43,461
1841–42	-	40,92,919
1842–43	-	41,37,218
1843–44	-	42,45,247

		Co.'s Rs.
‡ 1839–40	-	6,52,877
1840–41	-	7,11,163
1841–42	-	6,10,184
1842–43	-	5,32,819
1843–44	-	5,10,558
Average	-	6,03,520

could cultivate profitably, a very large portion of the land now under the plough would be thrown up. In practice it is altogether different; and, whatever impressions may be entertained by the Board of Revenue, the Government, or the home authorities, the truth is, that cultivation is forced all over the country. The tahsildars, in spite of rules and regulations, will not allow of the relinquishment of lands, for this reason, that as tahsildar, it is his endeavour, for his own credit and character, to bolster up the revenue of his talook. I say, the cultivation is forced all over the country, and it is right that it should be so to a certain extent, with reference to lands dependent on sources of irrigation, for the preservation of which the Government incurs an annual heavy expense. It was a principle laid down by Sir T. Munro himself, and how he reconciled it in his own mind with his principle of an entire freedom of occupancy, and, with the privilege he accorded to the ryot of cultivating as much or as little as he pleased, I am unable to discover. In his Minute of the 31st December 1824, Sir T. Munro declares, that 'Government, by the construction of tanks and watercourses, supplies the water, which is the chief article of expense in wet cultivation, and has a right to see that the lands on account of which it has incurred so heavy a charge, are not, without necessity, left uncultivated or exempted from their share of the public burthens.'"

28. That at the same time the system can boast no superior excellence as affecting the improvement of the revenue, as is apparent from the annexed quotation, taken from the same work:

"The marginal statement * exhibits the land revenue of Madras from 1820, from which time the ryotwar has been generally the mode of settlement up to 1844. The average of the first six years is, *Rs.* 331,98,788; of the next six years, *Rs.* 311,53,725; of the next six years, *Rs.* 304,24,093; and of the last six years, *Rs.* 330,51,584. During the second six years the average fell below the preceding six about 20 lakhs of rupees; during the next six it experienced a further fall of about seven lakhs, and though the average revenue of the last six shows an increase of about 26 lakhs over the preceding six years, it is still below the average of the first six years. During the last six years there has been a succession of most favourable seasons and abundant produce, and hence the exceeding low price of grain which has been so much felt all over the country for the last four or five years. These results, however, go to prove conclusively that the ryotwar system is not calculated to improve the revenue. The land revenue of Bellary and Cuddapah since 1820, is exhibited in the margin, and it will be seen if there has been much improvement even there."

"Sir T. Munro has stated, that under a ryotwar settlement, the annual fluctuations in the amount of revenue will never be so great as to cause any serious inconvenience. It would never in any one year exceed 10 per cent. in an aggregate of six or eight collectorates, though it might be more in a single one. It would gradually diminish as the ryots became proprietors, and would in 10 or 12 years scarcely ever be above 5 per cent." Report, 15th August 1807.

"Now, a glance at the marginal statement will demonstrate whether Sir T. Munro's expectations can in any degree be considered to have been realised, even with his low assessment of the government tax, being only, as in the zamindary settlement, one-third of the gross produce. In Bellary we find the revenue in 1827 falling nearly four lakhs of rupees below the preceding year; in 1833 we find it falling three lakhs below that of the preceding year; and even as recently as 1838, falling nearly 4½ lakhs of rupees below the revenue of the preceding year, or from 20 to 25 per cent. In Cuddapah we find it in 1832 falling five lakhs, or to *Rs.* 13½ lakhs, from 18,80,000 which it had been in the previous year. The total revenue of Bellary, for the first 12 years of the period embraced in the marginal statement given

Years.	Company's Rupees.	Years.	Bellary.	Cuddapah.
* 1820	328,63,353	1820	22,78,817	23,62,350
1821	325,88,266	1821	24,16,166	21,33,612
1822	339,78,987	1822	23,81,179	22,13,651
1823	311,14,471	1823	19,68,642	17,43,159
1824	351,35,829	1824	21,73,923	19,28,795
1825	335,11,824	1825	22,74,787	19,62,645
1826	324,69,795	1826	22,52,552	20,25,103
1827	338,12,258	1827	18,90,391	17,99,46[illegible]
1828	319,02,757	1828	21,93,984	18,48,984
1829	309,32,388	1829	19,31,665	18,42,840
1830	308,66,127	1830	20,15,352	19,30,602
1831	299,39,024	1831	20,05,976	18,80,170
1832	266,06,577	1832	16,97,926	13,51,213
1833	312,92,925	1833	20,93,708	18,59,458
1834	314,60,450	1834	20,41,783	19,14,051
1835	311,53,567	1835	21,21,246	18,98,381
1836	295,50,089	1836	20,87,127	18,61,483
1837	324,72,653	1837	22,45,300	20,76,367
1838	315,67,386	1838	17,92,189	17,27,566
1839	335,66,699	1839	22,54,346	21,23,602
1840	326,00,170	1840	21,88,897	20,22,382
1841	323,03,013	1841	23,25,823	21,10,208
1842	329,75,129	1842	23,10,960	20,73,560
1843	352,97,108	1843	22,70,061	20,50,678

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given above, was, in round numbers, 257,83,000; in the last 12 years, 255,01,000, or a diminution of 2,82,000; so much for improvement and an augmented revenue from the waste lands! In Cuddapah the results have been still more unfavourable. The total land revenue received from that district during the first 12 years of the period indicated was, in round numbers, 236,71,000; in the last 12 years, 230,68,000, or a diminished amount of six lakhs. View the ryotwar in any way we please, either in regard to its principles or to its fiscal results, I can discover nothing to recommend it but the statements of Sir T. Munro; I cannot discover any of those beneficial results which he expected would flow from its adoption, but, on the contrary, much evil, and not the least, the destruction of the village constitutions; but the Court of Directors seem to think that it has been successful in Coimbatore. 'As we entertain a high opinion,' the Court say, in a revenue despatch to the Bombay Government, 'of the ryotwar settlement which has been successfully introduced into the Province of Coimbatore, we desire that you will obtain from the Government of Fort St. George information respecting the nature and principles of that settlement, with the view of introducing similar arrangements in all practicable cases into the provinces under your Presidency.' Even in Coimbatore it would be seen from the marginal statement,* that there has been retrogression, not improvement, in the land revenue. The aggregate revenue for the first 12 years was, *Rs.* 267,96,000; for the last 12 years, *Rs.* 241,81,000, or a diminished amount of revenue in the latter period of 26 lakhs of rupees. The advocates of ryotwar can hardly, therefore, I think, ground their predilections in favour of the system on the score of its tendency to augment and improve the revenue when such have been the results in the most favoured districts; and, as regards fluctuations, I find that even in Coimbatore the revenue fell in one year nearly six lakhs of rupees; namely, from *Rs.* 20,97,000, which it was in 1835, to *Rs.* 15,11,000, the amount of the land revenue of 1836." And again, "Let us look now to the revenue of those districts where there has been little or no ryotwar, Tanjore, for instance, which has been under the wolungoo or village settlement of Mr. Cotton.

23d May 1827.

"In the margin† is exhibited the land revenue collections of this district in each year. The total amount for the first 12 years was *Rs.* 395,43,524, while for the last 12 years it was *Rs.* 413,76,385, or an increased receipt of upwards of 18 lakhs in the latter period. So far, therefore, as improved revenue is a consideration, the comparison, it must be confessed, is in favour of the village settlement.

"It may be said that, although the revenue has not improved under ryotwar, the circumstances of the ryots have. I have always been led to suppose that improvement in the revenue went hand in hand with improvement in the circumstances of the ryots, but here we find increase of substance in the cultivating community coupled with diminished revenue. If the ryots of Bellary and Cuddapah had really improved in their circumstances, how could the great fluctuations which it has been shown have occurred in the annual revenue, take place? Whence the necessity of the large advances of tuccavy, which are now annually made in those districts? These are fair deductions from general principles. There is, however, more positive testimony as to the real state of some of the districts. In Salem, where the ryotwar was first introduced, we find the collector stating in 1833, that the ryots were so poor as to be living from hand to mouth. We find the collector of Trichinopoly, in 1831, stating, that in a district so long under Company's management as Trichinopoly, with a very extensive market in the neighbourhood, it would have been natural to suppose that a large portion of the soil would be under tillage, but that the reverse was the fact, and that of the dry lands in three out of the four dry talooks, not more than one acre in 10 was cultivated. We find even Mr. Sullivan, on quitting Coimbatore, in his report of the 20th January 1830,

	Co.'s Rs.		Co.'s Rs.
* 1820	21,57,920	1832	20,87,804
1821	21,47,050	1833	19,35,357
1822	22,31,743	1834	20,64,673
1823	21,63,482	1835	20,97,729
1824	22,65,357	1836	15,11,803
1825	22,98,895	1837	20,10,742
1826	23,12,456	1838	20,08,480
1827	23,03,096	1839	19,79,928
1828	22,76,129	1840	20,28,629
1829	22,56,841	1841	21,18,769
1830	22,46,761	1842	21,52,753
1831	21,36,592	1843	21,85,672

	Co.'s Rs.		Co.'s Rs.
† 1820	29,22,193	1832	37,21,950
1821	30,26,436	1833	36,43,032
1822	33,09,593	1834	34,39,633
1823	38,80,406	1835	32,54,176
1824	49,27,489	1836	33,81,321
1825	33,67,668	1837	35,10,303
1826	27,64,922	1838	35,88,798
1827	23,48,588	1839	35,66,447
1828	33,42,204	1840	33,74,098
1829	32,15,294	1841	28,94,782
1830	32,40,773	1842	35,36,942
1831	31,97,958	1843	34,94,934

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Evidence of Colonel John Munro on the renewal of the Charter in 1832.

1830, stating, that at the time of the survey, a tract of country which yielded an annual revenue of nearly a lakh of rupees, was then (when he wrote) in the possession of elephants.

"The only province which may, perhaps, be taken as the most successful application of the ryotwar settlement, and of field assessments, is Travancore. The land-tax is there fixed, and is based upon a revenue survey; but a fresh survey is made every 10 or 12 years, in which alterations are inserted according to the lands brought into cultivation, or those thrown up. The periodical surveys are stated to have been the established habit of the native government. The original survey comprehended the whole country, waste and cultivated. The occasional surveys included the cultivated lands only. Every field, with its rent, was inserted in the survey, with its proprietor, and it was entirely a ryotwar settlement. The mode of determining the field assessment seems to have been, to fix it at certain ratios of produce to the quantity of seeds sowable, which were determined by the quality of the soil.

"The partial success, however, of the ryotwar system in Travancore may be accounted for; it has existed from ancient times, and is the established usage of the province; the land assessment is extremely low; the district has many valuable productions, as pepper, betel, cardamums and teak wood, and I believe the real cause of its success is the revision of the survey, which takes place every 10 or 12 years, in direct opposition to Sir T. Munro's principle of declaring the survey assessment permanent. But even in Travancore it did not afford that protection to the ryot which is stated to be one of its chief advantages."

On which your Petitioners beg to remark, that Travancore is not a collectorate under the Company, but a tributary state, having a maharajah, and its own government, to which an English Resident is attached.

Zamindary.

29. That having thus explained the operations of the ryotwar, your Petitioners proceed to the zamindary system, which still obtains to a great extent in the three districts of Ganjam, Vizagapatam, and Masulipatam, and in some few parts of the 17 ryotwar collectorates, where it places the cultivators in a condition not materially better than the ryotwar. A few of these zamindaries existed prior to the occupation of the districts by the British; but the larger part are of more recent creation, in which their possessors occupy the position of farmers of the revenue; of which they are to pay a sum nominally estimated at 35 per cent. to the Government, take 15 per cent. as their own share, and leave the remaining 50 per cent. to the cultivator; the estimated 35 per cent. is, however, fixed at a certain permanent sum, the amount of which can never be varied by either the Government or the zamindar; it must be paid in money, without remission of any kind, to the zamindar for bad seasons, and without any demand upon him for an increase in the cultivation; the cultivators, on the other hand, are to pay the zamindar in kind, and he is to grant them the same remissions which are granted to the ryots of the Government.

30. That the half share of produce due to the zamindar is subject to no charges for cultivation, the whole of which fall upon the cultivator, who has likewise to pay durbary and other expenses, best explained by the following statement, adapted to the collectorate of Masulipatam, and extracted from a Report by Mr. Russell, the collector of the district, dated the 20th March 1819, and to be found in the Appendix to the Report from the Select Committee, in the year 1832:

"A ryot who has two ploughs will cultivate one cutty of mettah, or dry land; and that extent of ordinary soil in a favourable year will produce 4 p. 10 t. of jonnaloo, and other grains and pulse.

				M. Rs.	a.	p.
"Value of 4 p. 10 t. at 22 Madras rupees per pooty, which is a high computation, since it is reckoning the whole produce at the same rate as jonnaloo*				99	-	-
Deduct Circar share				49	8	-
"Deduct durbary charges on 4 pootties 10 tooms, at 2 Madras rupees per pootty - M. Rs.	9	-	-			
Ditto Nuzzer cuttoy, &c., at 3 Madras rupees per cent.	1	8	-			
Batta to Mahasooldars, Anchanadars, &c., at 16 per cent.	8	-	-			
				18	8	-
Remains to the Ryot				31	-	-
"Deduct charges of cultivation:—						
Value of 2½ tooms of seed grain - M. Rs.	3	-	-			
Subsistence to two slaves for six months, at 1 seer of jonnaloo per diem	10	12	-			
Two cumbalies	1	-	-			
Charges incidental to the replacing of cattle, one year with another	6	-	-			
Wear and tear of ploughs, &c.	-	8	-			
				21	4	-
Balance in favour of the Ryot - M. Rs.				9	12	-

"In

* This is the average price of jonnaloo.

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"In paddy lands two ploughs are not equal to the culture of more than 10½ veesums, and 8 potties are a good crop for that extent of land in a favourable season.

		M.Rs. a. p.
"Crop 8 potties, value at 20 Madras rupees per pootty		160 - -
Deduct Circar portion		80 - -
Ryot's share		80 - -
Deduct durbary charges, at 1½ rupee per pootty	M. Rs. 12 - -	
Nuzzar cuttoy, &c., at 3 per cent.	2 6 6	
Mahasooldars, &c., charges, at 16 per cent.	12 12 6	
Total deductions		27 3
Remains to the Ryot		52 12 -
"Deduct charges of cultivation:—		
Four tooms of seed grain, at 20 Madras rupees per pootty, M. Rs.	4 - -	
Subsistence of two slaves for six months, at 2 seers of paddy each per diem, 18 ts. value thereof, at 20 Madras rupees per pootty	18 - -	
Two cambalies	1 - -	
One hundred and twenty-seven planters, at the average rate of 30 men for every toom sown	10 8 -	
Charges incidental to the replacing of buffaloes,* one year with another	8 - -	
Wear and tear of ploughs, &c.	1 - -	
		42 8 -
Remains to the Ryot	M. Rs.	10 5 -

"34. As the fees which the ryot receives at the threshing-floor are given to his slaves, and constitute their means of support during a part of the year, I have calculated their subsistence for six months only, and for the same reason I have omitted to include those items among the receipts of the ryot.

"35. The principles by which I have been guided in estimating the charges incidental to cultivation were not dictated by any speculative opinions of my own, but were deduced from a careful examination of original accounts, obtained from various sources, where I have no reason to suspect deceit, because there could be no motive for deceiving me. It may, however, be satisfactory to inquire how far the results regarding the charges for bullocks, &c., may tally with others prepared according to the plan observed in Mr. Colebrook's Husbandry of Bengal. That gentleman calculates interest at two per cent. per mensem on the money laid out in the purchase of cattle and ploughs, and considers that allowance to cover the expense of replacing casualties.

"36. In the foregoing accounts I have reckoned the ryot to have two ploughs and four oxen in a dry-grain village, or four buffaloes in one where paddy is cultivated.

"METTAH LAND.

"The price of a bullock, at a low computation, must be taken at 12 Madras rupees, and of a plough and other implements of husbandry at 1 Madras rupee 1 anna.

	M.Rs. a. p.
"Four bullocks, therefore, must be considered to cost the Ryot	48 - -
And two ploughs, &c.	2 2 -
The value of his stock then is - M.Rs.	50 2 -

"And the interest on that sum for 12 months, at the rate of two per cent. per mensem, Madras rupees 12, or nearly double my former calculation.

"LOW LAND.

"Eight Madras rupees is the usual price for a ploughing buffalo.

	M.Rs. a. p.
"Four, therefore, must be reckoned to cost	32 - -
And two ploughs, &c.	2 - -
Total amount of stock - M.Rs.	34 - -

"Interest on 34 Madras rupees, at two per cent. per month, 8 rupees 3 annas, or 13 annas less than my estimate.

"If it be admitted that those statements are correct, it follows that the mere profits of husbandry must, under this system, be inadequate to the maintenance of the ryot's family.

"37. We will suppose, for example, that the family consists of five persons, which I take it

* Buffaloes are much shorter-lived animals than bullocks, and in the end more expensive; but they do their work better in this sort of cultivation.

it is the usual average, and that it is composed of the ryot, his wife, two children, and a female relation.

"The daily consumption of grain cannot be estimated at less than four seers. One pootty and a half, therefore, must be allowed for the expenditure of the year; and, as that quantity of jonnaloo even will cost 33 Madras rupees, it is obvious that the mere article of grain alone will amount to more than the surplus which now remains to the ryot. Such is, in fact, the real result of the system. The plough itself affords little towards his support, and were it not that it gives him the valuable right of pasture for his cattle and ground for his pumpkins, he could not subsist. A single she buffalo will yield him eight rupees per annum in ghee alone, and the profit he derives from this source, added to the labours of his women, enable him to procure the necessaries of life; but even these aids will not always afford him the means of subsistence, and for two or three months of the year the fruit from his pumpkin garden, mixed up with buttermilk or a very small proportion of meat, is the daily diet of his family.

"38. Under these circumstances, the indigence we find so prevalent among the agricultural classes, and the distrust which exists between them and the zamindars, cannot be a matter of surprise. Deprived as they are of the fair return of their industry, it cannot be expected that they will omit to avail themselves of any opportunity that may offer to pilfer the grain while it remains on the ground, and hence arises the necessity for the precautions which the landlord is obliged to resort to.

"39. It may perhaps be said that the introduction of village rents would improve the condition of the peasantry, by relieving them from the ruinous expenses attending the present system of espionage; and so, in fact, it would, if the zamindars would found their assessments on a moderate scale, and the distrust which has for ages existed between them and the ryots could be converted into mutual confidence: but as long as the demand of the circar shall remain at its present standard, as long as the 'durbary kurchooloo' shall be considered to be the lawful branch of revenue; as long as the collections actually realised under the several heads which have heretofore been customary shall be looked upon as the proper basis for future assessment; as long, in fact, as the demand of the landlord shall absorb the just profits of the cultivator, so long will it be in vain to expect any confidence between them; so long will the demand of the year depend on the actual harvest, and all engagements continue nominal; and so long will there be a positive necessity for the zamindar to guard against the clandestine removal of his crops.

"40. At present all engagements are nugatory. The rents are so high that it is impossible to realise them, unless the crops prove more than usually favourable. The annual demand of the zamindar, therefore, still fluctuates with the seasons; and as he knows the ryots will do all in their power to deceive him, he is obliged to ascertain their actual resources by means of appraisers, and the settlement is in effect concluded in the same way as if no agreements existed."

31. That without dilating upon the vexations innumerable occurring under the zamindary system, complaints of which are referable to the collector, your Petitioners will merely point out that by it the ryot's nominal share of one-half the produce is actually reduced to one-fifth of the half on dry lands, and to one-eighth on wet or paddy lands; yielding as the annual return for his agricultural labour twenty rupees and one anna, an amount quite insufficient to procure grain for himself and family, putting aside clothing, salt and vegetables, and the expenses of religious ceremonies at births, marriages and deaths; all which he has to procure as best he may from the milk of his herd cows or buffaloes, and the labours of the female members of his family.

32. That although the Minute of the Board of Revenue, to which your Petitioners have referred, states that "the situation of a zamindary ryot is considered by many as superior to most of those placed immediately under collectors and their native officers," it is still more miserable at this time than it was at the date of Mr. Russell's Report; and as the zamindarships are hereditary, and cannot lapse to Government except for failure in the payment of the peishcush, or permanent rent, your Petitioners represent the imperative necessity for definite and effective regulations to restrain the zamindar from the continual practice of oppressive extortions, in taking away the best lands from their original holders, for the purpose of bestowing them on his own relations and favourites, compelling the ryots to cultivate such lands without payment, and obliging the ryots to buy the zamindar's grain at prices far above the market value; as likewise for granting greater facilities to the ryots for preferring their grievances, and for the due and early inquiry into, and settlement of, them by the collectors, instead of their being, as they are now, obliged to enter into an expensive litigation in the civil courts of the Government, notwithstanding the existing regulations that summary justice shall be afforded them by the collector.

Village system.

33. That as the ryotwar system prevailing in seventeen-twentieths of the whole Presidency is always the substitution for the zamindary when lapses occur by the failure of peishcush, your Petitioners earnestly pray that, as there can be no obstacle either of hereditary right, vested interests, or any other, to prevent its summary and total abolition, the ancient system which obtained in the country prior to its subjugation by the Mahomedans, may be again reverted to; viz. the village system, or the collection of the revenue from the land by means of villages, instead of individuals, without the interference of zamindars or middlemen on one hand, and free from the harassing oppressions of Government servants on the other. This system your Petitioners beg to state has been tried by the Madras Government, in what was called the Triennial and Decennial Settlements, alluded to in the former

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former part of this Petition, regarding which the Minute of the Board of Revenue beforementioned states:—

* * * * *

"280. It differed from the ryotwar chiefly in the assessment being fixed on the entire aggregate lands of the village, not on each distinct and separate field; in its being concluded with all the ryots collectively, not with each individually; and in its giving up to the ryots not only the revenue to be derived from the arable lands, but that also to be obtained by after-exertion from the waste also. In fact, in leaving, in consideration of a contract to pay a given sum as public revenue, the entire internal administration of the affairs to the village community.

"281. The object in view was to adapt the revenue administration to the ancient institutions and ancient usages of the country, to which the Hindoos are proverbially attached; to suit the system to the people, and not to attempt to bend the people to the system. Mr. Place, quoted by some mistake in England as an advocate for ryotwar, has well described the village settlement, and it is curious to observe the accuracy with which he predicted the consequences resulting from an attempt at the introduction of ryotwar in the Tamil country.

"'It would,' says he, 'be superfluous, impracticable and impolitic, to ascertain with greater precision than has already been done, the measured extent of each share, or of each man's proportion of meerassay; because, in the first place, it would strengthen those suspicions which have arisen, and in the next, it could only be done by personal survey, and the most unremitting attention, which I think hardly any one man can give to the completion of such a work, independent of innumerable variations that would take place while it was in hand; and it would be unwise, because not only it will be ever the most beneficial mode to let the lands of every village jointly to the inhabitants at large, both with a view to security and to good cultivation; but to let them separately, would tend to create divisions and dissensions, to the undoubted embarrassment of themselves as well as of the public. No difficulty occurs in fixing the value of all the lands together of one village, but it would be nearly impossible to assign to every small allotment its portion so exactly, and with such due regard to fertility of soil and other circumstances, that some should not benefit and others suffer; yet the latter would not receive the assistance of the former in case of failure in their engagements.

"'At present every village considers itself a distinct society, and its general concerns the sole object of the inhabitants at large; a practice, surely, which redounds as much to the public good as to theirs; each having, in some way or other, the assistance of the rest. The labours of all yield the rent; they enjoy the profit proportionate to the original interest, and the loss falls light. It consists exactly with the principles upon which the advantages are derived by a division of labour; one man goes to market, whilst the rest attend to the cultivation and harvest; each has his particular occupation assigned to him, and insensibly labours for all; but if each had these several duties to attend to, it is obvious that all the inhabitants must be absent together at those times that are most critical, both to them and to the State, and that many must want those abilities necessary to the performance of the various employments that would arise.

* * * * *

"'On the whole, I cannot but consider that any reform tending to do away the union, or, if I may be allowed the expression, the unity of the inhabitants, and to fix each exclusively to his property, will be attended with danger.'"

"285. It was apprehended by some, that where the collective body of the ryots would not consent to the assessment fixed by the collector on the village, and it became, consequently, requisite to enter into a settlement with the head only of the village, he would exercise over the inferior ryots all sorts of oppression, but it was conceived that his petty tyrannies could never equal those to which the ryot was liable from the more powerful tehsildar. On the contrary, it was thought that his more intimate acquaintance with the affairs of the village, his superior knowledge of all its localities, his fellow feeling for his unfortunate brethren, the assistance and forbearance which he knew when and how to afford to each ryot much better than the tehsildar, the interest he possessed in supporting his popularity among the village community by a system of conciliation, and, above all, his entire dependence on the ryots themselves to enable him to fulfil his engagements, would render him a much more acceptable superior to them than the collector's severe and authoritative deputy, connected with the ryot by no ties of dependence, friendship or fellow feeling, and dependent for all his prospects in life chiefly on the state of his treasury and the precision of his collections."

34. That the objection referred to in the above quotation from the Board of Revenue's Minute is, as far as your Petitioners are acquainted, the principal, if not the only one, that has been urged against the village system; and the Court of Directors have adopted it in their Revenue Letter to the Government of this Presidency, dated the 12th December 1821; when alluding to the propriety of assessing the lands of a village in common, they observe, it "appears, according to all the information before us, liable to this conclusive objection, that the principal ryots are enabled in villages of this description to relieve themselves at the expense of the inferior;" but your Petitioners submit that, with only common and proper regulations for the guidance of the managing ryots, equal justice could be easily distributed; there is no record that the contrary has at any time been the case, under the short operation of the decennial settlement; while there is abundant testimony to the beneficial effects it is capable of producing towards the entire village community. As, for instance, the Honourable Mountstuart Elphinstone, when Governor of Bombay, recorded his

his opinion that the system was less objectionable, "because there are many ties on the potail (or head ryot of the village), to prevent his oppressing the people with whom he has been brought up, and among whom he is to pass the remainder of his days. It is not by any means so unpopular among the people. It gives to the person whose business it is to direct and encourage the labours of the ryots, an interest in their success; it strengthens the influence of the potail, so much required in revenue, police, and in settling disputes, and so likely to be undermined by the introduction of an officer of Government." Mr. Martin, Resident and Chief Commissioner at Delhi, speaking of the same class of persons in the Upper Provinces of Bengal,—letter to Government, 31st May 1831,—observes, "Independently of the numerous ties by which they are connected with several subdivisions of the village, and which constrain them to the observance of an equitable regard to the right and interests of all, the process of internal distribution among themselves of the share which each of the subordinate proprietors shall contribute to the payment of the Government demand, regulated as that process is by principles and usages which are familiar to all, constitutes, in my opinion, a sufficient safeguard against the undue preponderance of sinister interest in the engaging partner, and produces that harmonious regulation of the village economy, which results from the free co-operation of its members in the settlement of their affairs, and which appears to be no less conservative of the moral interests of the community, than conducive to an equitable assessment upon each proprietor, according to the extent and value of his share in the aggregate demand of Government."

35. That your Petitioners will adduce further testimonies to the excellence of the village system, when preserved in its integrity. The first being that of the influential personage who has been the main introducer of the ryotwar system: Sir Thomas Munro, in his Report of the 15th May 1806, states, "Every village is a little republic, with the potail at the head of it, and India a mass of such republics. The inhabitants, during war, look chiefly to their own potail. They give themselves no trouble about the breaking up and division of kingdoms; while the village remains entire, they care not to what power it is transferred. Wherever it goes, the internal management remains unaltered. The potail is still the collector, magistrate and head farmer." And the second is derived from the authority of the late Lord Metcalfe,—"The village communities are little republics, having everything they want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds revolution, Hindu, Pattan, Mogul, Mahratta, Sikh, English, all are masters in turn; but the village communities remain the same. This union of village communities, each one forming a separate state in itself, has, I conceive, contributed more than any other to the preservation of the people of India throughout all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence."

36. That both the Madras Government and the Board of Revenue, who witnessed the effects of the decennial assessment, were highly satisfied with the result, and recommended its general adoption; combating the objections against its introduction in the following language, copied from the Minute on which your Petitioners have already drawn so largely:—

"287. The judgment which has been pronounced in England against the village system, of which the outline is given above, is founded on a very partial and unfavourable view of its results; for it does not appear that the authorities at home had, at the time when that judgment was passed, any information before them respecting any other portion of it than its commencement, the triennial settlement. It is hoped that the reports which have since been forwarded, in elucidation of the effects of the decennial settlement, will enable them to form a more correct opinion of the tendency of the village system.

"288. Nothing, however, that has been urged at home, appears to contravene any of the fundamental principles of the village system. The whole of the evils arising from the triennial settlement, or which have been attributed to it, may distinctly be traced, not to its intrinsic principles, but to its over assessment, which it must be allowed has been justly condemned; for it was nearly every where a mere rack-rent. Under the pressing orders received from England, about that period, requiring from this country a surplus revenue of a million sterling, accompanied by a threat from the honourable Court of Directors to take the revision of the establishments into their own hands, not only was the most rigid economy enforced in all departments of the State, but the triennial settlement of each village where the ryotwar system had existed was too generally determined with 'reference to the payments under the survey rent,' in other words, with reference to the collections under the ryotwar system, when all was taken from the people that they were able to pay.* The over assessment during this period, therefore, arose from the triennial settlement having in a great degree been founded upon the fallacious data of the ryotwar collections; and if any inference is to be drawn from this circumstance, it is one against the ryotwar, not against the village settlement.

"289. This practical error, with some others of a similar nature which had inadvertently crept into the triennial settlement, and are attributable entirely to a deviation from its principles, was in general avoided in the decennial settlement, which, as embracing a longer period

* See Report of the Board of Revenue to Government, dated 25 April 1808.

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period and a greater vicissitude of seasons, is a standard by which a fair judgment may be formed of the result of the village system.

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"290. That although this system has not been equally successful in every district, yet even where (as in Bellary) it has been the least so, the collectors are unanimous in opinion that it has most materially improved the condition of the great agricultural population of the country, and that it is the great body of the ryots, and not the mere parties with whom the settlement was concluded, who have chiefly benefited by the village settlement. The ryotwar teerwas have nearly everywhere been greatly reduced; and instead of the head ryots oppressing their inferiors, most of the collectors have been obliged to prop their weakened authority by that of their tehsildars. This, without any material exception, is the universal language of all their reports, and it is a result which may be confidently offered as conclusive evidence that the system has generally answered the expectations of those by whom it was introduced; but where the settlement has been best conducted, as in Cuddapah and the northern division of Arcot, a picture of prosperity is drawn, of which the parallel may in vain be 'sought for throughout the revenue records of this Presidency.'"

37. That, notwithstanding this decided testimony to the superiority of the village system as regards the prosperity both of the revenue and the cultivator, the Court of Directors ordered the village system to be superseded by the ryotwar, as before stated by your Petitioners; and, with a professed view to remedy the evils attending it, issued orders which declared that the labour of the ryot should be henceforward free from compulsion; that private property in lands on this side of the Peninsula should be acknowledged, and that the over-assessment should be reduced; but, however well-intentioned those orders may have been, ryotwar is still the curse of the country, the over-assessment continues unaltered, the ryots are compelled to cultivate at the pleasure of the tehsildar, and the acknowledged right of private property in no way prevents the oppression of the owner, nor his gradual and sure depauperation. That while your Petitioners apply to your Right honourable House for a return to their old revenue system on the broad ground of justice to the cultivators, they beg to point out a few particulars in which the change will be advantageous to the Government:—1. It will be relieved from the loss and corruption entailed by the ryotwar system; 2. It is secured from all loss arising from unequal land tax; 3. The rent will not depend upon the correct assessment of the cultivation; and, 4. The charge of collection will be considerably decreased; yet even were there no immediate advantages likely to accrue to the Government, your Petitioners would represent that a lighter and more reasonable assessment, coupled with the removal of the vexations and oppressions accompanying the present mode of collection, would ensure a much larger cultivation, and thereby the revenues of the State would be improved; and that the people of India are therefore entitled to seek and to obtain from the paramount authority of the Imperial Parliament the necessary and equitable redress of the weighty and multiform grievances brought upon them by the introduction of the system under which they groan; and their claims to the mode of redress they have pointed out are rendered still stronger by the fact, that a settlement by villages nearly resembling that which your Petitioners seek for themselves, is actually now in full operation in the north-western provinces under the Bengal Presidency, where the leases are held on a term of thirty years' duration.

Moturpha.

38. That the next grievance regarding which your Petitioners appeal to your Right honourable House, is the moturpha, or tax upon trades and occupation, embracing weavers, carpenters, all workers in metals, all salesmen, whether possessing shops which are also taxed separately, or vending by the road-side, &c. &c., some paying impost on their tools, others for permission to sell, extending to the most trifling articles of trade and the cheapest tools the mechanic can employ, the cost of which is frequently exceeded six times over by the moturpha under which the use of them is permitted.

39. That this tax, although of Mahomedan origin, as might well be supposed only from its oppressiveness, without the proof that it was so, contained in the Arabic word "moturpha," was never universal at this Presidency, and was declared to be general only 20 years ago by Reg. V. of 1832, whereby it was enacted, that "the not having been actually charged with the said tax for any length of time, or residing at a place where it has not been actually levied, shall not entitle any person to exemption from it;" while such is the extreme irregularity of its collection, that whereas in the district of Tanjore it does not exceed the average of a farthing per head, in Kurnool, where the land assessment is much greater than in Tanjore, it amounts to no less than 9 *s.* 4 *d.* per head; while in the district of Canara it has been remitted since the year 1842, and in that of Madura it remains unenforced to this day.

40. That the last place to which it has been extended is a part of the district of Chingleput, and its introduction there in 1843 was attended with a serious disturbance; so great is the aversion of the people to this obnoxious impost, which compels them to go to the collector for their pullahs, and often to be away from their occupation three or four days at a time, costing them as much for their own expenses, and frequently more than the amount of the tax they have to pay; in many parts the poor are taxed, while the more affluent are exempted; and in all instances it falls more heavily upon the indigent than upon the wealthy; while the discretionary power under which it is collected, affords a wide field for the perpetual practice of inquisitorial visits, extortion and oppression, as suits the pleasure or the cupidity

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cupidity of the irresponsible collectors, with whom it is no unusual thing to resort to imprisonment and fetters, in order to compel their exactions. That the whole sum raised by this impost is but little above 100,000 *l.* sterling; and, as it has already been entirely abolished at Bengal and Bombay, your Petitioners request that the same advantages may be extended to Madras.

Small Farms and Licenses.

41. That closely allied to the moturpha impost is the grievance of small farms and licenses, intended for raising what is called "extra revenue," and which consists in the annual leasing out to individuals of certain privileges, such as the right of measuring grain and other articles; the right to the sweepings of the goldsmiths' workshops; the right of dying betel nut; of cutting jungle wood; of grazing cattle; of gathering wild fruit and wild honey; of catching wild fowl; of cutting grasses used in thatching, basket rushes and cow-dung; and innumerable other such rights of levying taxes from the poorest of the poor, who feel them to be a most intolerable burthen, not only in the amount, but in the vexations attendant on the collection of the money. Your Petitioners therefore pray that these grinding imposts, the moturpha and the small farms and the licenses, may no longer be permitted to oppress the suffering people of this Presidency.

Salt Monopoly.

42. That the next grievance to which your Petitioners would draw the attention of your Right honourable House is the salt monopoly, a source of revenue introduced into this Presidency by the East India Company; the manufacture of this article under the former governments having been subjected to no other restriction than that of a trifling duty; but under the British Government the right of manufacture began to be farmed or rented by individuals upon such terms as enabled the manufacturers to sell it on the coast at the price of 10 pagodas or *Rs.* 35 per garce of 3,200 measures; and up to the year 1805, the revenue derived from that source did not exceed 80,000 pagodas, or *Rs.* 280,000 per annum.

43. That in the year 1806, the Government established an agency for the control and management of the salt department, the first consequence of which was the doubling of the price of the article, which was then fixed at *Rs.* 70 the garce, when the annual average consumption for the space of three years amounted to 31,685 garces, at the end of which time, in the year 1809, the price was again raised from *Rs.* 70 to *Rs.* 105 the garce, being three times as much as it had been prior to the Government monopoly; but as the enhanced price naturally decreased the consumption, the price in 1820 was again fixed at *Rs.* 70; but after a course of eight years, the price was again fixed at *Rs.* 105, which was still further raised to 180 in the year 1844; but in the same year it was reduced to *Rs.* 120, at which price it has ever since continued; that this being the wholesale price, it is of course sold to the retail dealer at an advance, who, as necessarily, adds his profit, to be paid by the consumer; and while the poorer classes are able to purchase a much smaller quantity than they could consume when living nearest to the salt-pans, those who reside at a distance have to pay the expenses of the carriage, at the average rate of a rupee on each garce for every mile; so that it comes to them, according to the distance, 50, 100 and 200 per cent. dearer than at the coast; and the consequence is, that either the people go without salt altogether, or substitute an unwholesome article obtained from common earth impregnated with saline particles, which they manufacture at the risk of punishment, the procurement of salt other than that of the monopoly being prohibited under penalty of fine and corporal punishment, inflicted at the discretion of the collector, or his tehsildar.

44. That your Petitioners submit the great probability, amounting almost to a certainty, that the revenue derivable from this article might be obtained, if not even exceeded, were the monopoly reduced to the original price of *Rs.* 70 the garce, as may be intelligible from the calculations following. By the revenue accounts for this Presidency during the four years commencing with 1846-47, and ending 1849-50, printed by order of the Honourable the House of Commons in May 1851, and which are the latest accessible to your Petitioners, it appears that the annual average gross revenue is *Rs.* 46,41,868, the actual amount for the last year, 1849-50, being *Rs.* 46,45,946; and the sale price being *Rs.* 120 per garce, the quantity consumed will amount to not more than 38,716 garces, or enough to supply the wants of 6,882,844 individuals, 18 measures per annum being the average quantity consumed by each individual who can afford to purchase; but the population of the 20 collectorates, including that of the city of Madras, amounted in 1850-51, as per Return of Census published by the Board of Revenue of Fort St. George, to 22,301,697; to which, if there be added the population of Mysore, Travancore, and the recently-acquired province of Coorg, which in the year 1839 was estimated at 3,419,754, there will be found a total of 25,721,451, out of which there may be calculated that 20,000,000 are, or would be if they could procure it, consumers of salt, allowing 5,721,451 for infants under five years of age who do not use the article; and these 20,000,000 consuming, as they would do, on an average, 18 Madras measures per annum each, would require a supply of 112,500 garces, or nearly thrice the quantity of the present actual consumption, without including the salt required for the cattle, which is a large quantity, and would be increased materially by the diminution of the price.

45. That, according to the published accounts above quoted, it will be found that the cost and charges of the manufacture is something under *Rs.* 21 the garce; and, consequently, if from these 38,716 garces, sold for *Rs.* 46,45,926, there be deducted the actual cost and charges of *Rs.* 8,12,814, the net profit to the Government will be *Rs.* 38,33,612; but the sale price of 112,500 garces, at *Rs.* 70 per garce, is *Rs.* 78,75,000; and deducting for cost and charges

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charges the sum of *Rs.* 25 the garce, amounting to 2,812,500, the net profit to Government will be *Rs.* 50,62,500, or *Rs.* 16,29,188 in excess of the revenue now obtained at the sale price of *Rs.* 120 per garce; that the excess of revenue just quoted is equal to 23,274 garces, sufficient for 4,137,600 people; so that should the consumers be no more than 16,000,000, instead of 20,000,000, the present net revenue will suffer no deterioration, and the Government will still have a gain upon the article of more than 180 per cent.; your Petitioners therefore pray your Right honourable House that, as the lowering of the price will do no harm to the Government, while it will relieve so large a portion of the people from a most oppressive and injurious tax, affecting not only their comfort, but their health likewise, that the Government charge for the article may return to the rate first introduced by the monopoly.

Abkary.

46. That another serious evil, of which your Petitioners have to complain, is the increased and increasing consumption of spirituous liquors at this Presidency, owing, as your Petitioners are compelled to state, to the encouragement given to their use by the local government, and from which, in the capital alone, it now derives a gross revenue of 60,000 *l.* per annum. The liquor generally known by the name of arrack is made at the government distilleries, and thence supplied to licensed venders to the number of 150, by whom it is sold, in small quantities, in every direction. In the interior, the manufacture and sale of the article is committed to contractors or farmers, who compete for the privilege annually at public auction, the sales realizing, on the average, 250,000 *l.* a year; and as the sale price is extremely low, the quantity consumed and the number of consumers is immense. Drunkenness, with all its miseries, is consequently common throughout the land, and its baneful effects are a full counterpoise for whatever real or imaginary benefits have been derived by the lower orders of India from her connexion with Great Britain. Your Petitioners have not memorialized Government in order to obtain the repression of this evil, not only because memorials to the Bombay authorities have totally failed, but because the amount of revenue thus derived from native demoralization is too great for your Petitioners to indulge the slightest hope of procuring even a diminution of so profitable a vice, forbidden by Hindu and Mahomedan law, and comparatively unknown before the ascendancy of European dominion. But your Petitioners venture to indulge an expectation, that your Right honourable House will view the pestilence in its true light, and provide the remedy which so widespread and ruinous a calamity imperatively demands.

Post Office

47. That your Petitioners will now advert to some other subjects requiring redress, such as the Post-office, which, besides being very tardily and slovenly conducted, acts, by the exorbitance of its charges, like a dead weight upon commercial correspondence and the circulation of knowledge; and which weight would be considerably lightened, were the conveyance of official papers, which form three-fourths of the mail conveyed by tappal, placed to the expense of the Government: this would make this Post-office revenue four times the amount now credited, and of course would permit of a corresponding reduction in the cost for carriage: a letter or package which now is taxed at 1 *s.* might then reach its destination for the cost of 3 *d.*, and still the returns of the department would more than cover the expenditure, even without an increase of correspondence, which, however, would certainly take place to a considerable extent, as a consequence of a diminution in the rates of postage.

48. That a necessary auxiliary to the increase of correspondence is a thorough reform in the management of the Post-office departments, beginning at the capital, and extending to the remotest boundaries of the Presidency, which, although containing an area of upwards of 140,000 square miles, has no more than 130 Post-offices, controlled by 30 postmasters, a number totally inadequate to the wants of the public, to meet which efficiently, your Petitioners suggest that there should be at least one or more officers in every talook, according to its size, so that no inhabited part of the country should be more than 10 miles from a Post-office. At present, the arrangements for distributing the letters among the native population, even at the stations where the offices are situated, are most defective and imperfect; the agents employed are of an inferior description, who frequently defer the delivery for days, till the parties to whom the letters are addressed submit to some unauthorized demand; while, as regards places at a distance from the post stations, the evil is much greater; enormous delay, extending not unfrequently to weeks, is incurred, and a heavy charge besides; while, after all, the delivery of letters is uncertain, and wrong parties are sometimes permitted to obtain their possession.

49. That these combined circumstances, the paucity of offices and their inefficient supervision, the delays, exactions and uncertainties, cause the Post-office to be greatly less trusted than it would otherwise be by the native public, who, in very many instances, have established dawk transits at their own expense, thereby depriving the State of a part of its income, to an extent necessarily unknown, but as necessarily of no trivial importance; and your Petitioners therefore request that there may be a thorough reform in this department, reaching to the whole of its branches; and that every paper or package passing through it shall be made subject to the same uniform rate of charge.

Maharatta Dufter.

50. That another office, constituting useless expense to the Government, is that of the Mahratta Dufter, or native revenue establishment, by which all revenue accounts have to be translated from the Telugu, Canarese, Malayalum and Tamul languages, in which they are originally kept and furnished, into the Maharatta; from which they are again rendered into English:

English: this plan has been pursued at this Presidency since the year 1824, and up to the present year has cost little short of 90,000 *l.*; the money being absolutely thrown away, besides increasing the amount of public business, together with a proportionate amount of official perplexity and confusion.

Irrigation.

51. That your Petitioners now proceed to direct the attention of your Right honourable House to the Maramut department, by which is intended the construction and preservation of reservoirs and channels for the purposes of irrigation, upon which not merely the fertility of the soil, but the practicability of its cultivation is mainly dependent on the eastern side of India. Both the reservoirs and the channels are of the remotest antiquity, and were in former times extremely numerous; but at the present period, not more than four-fifths of those still existing are kept in repair, while others have altogether disappeared, causing a decline in the agriculture of the Presidency, equally hurtful to the ryot and the revenue; and this evil is occasioned partly from the unwillingness of the Government to disburse a sufficiency of funds, partly from what it does disburse being unsystematically applied, and partly because the execution of the works is entrusted chiefly to the tehsildar, to whom are committed the purchase of materials, the engagement of the labourers, and the payments due for each, he being held responsible both for the manner and time in which the work is completed; and the powers of this officer being almost unlimited, as he possesses, with very little abatement, the authority of the collector, he is able to compel the supply of materials and labour below the market price, to diminish the quantity of that actually furnished by short measurement of the work performed, and to delay the settlement of accounts almost indefinitely at his pleasure.

52. That although an impost is annually levied upon the ryots for the repair of the reservoirs and channels, there being a distinct charge consolidated in the land assessment for the use of the water, and although the construction of new reservoirs, where they are needed for an increased cultivation, will always give a return from 50 to 60 per cent. on the capital laid out; yet, in the province of Tanjore, whose general fertility entitles it to be called the granary of the Madras Presidency, it appears, by the latest published report of Captain A. Cotton on that district, the annual expenditure for repairs and other purposes connected with irrigation amounts to no more than about 2 per cent. upon the gross produce; and he remarks, "There are at this moment passing to the sea by the Colleroon at least 100 million of cubic yards of water per day, sufficient for a crop of paddy in 8,000 cawnies; in a good fresh, sufficient water for a crop on 30,000 cawnies run to waste daily. In a moderate season enough is lost to water, certainly at least a million cawnies, or a tract double the extent of Tanjore, which would provide grain for about 2½ millions of people." And if such is the slender disbursement upon irrigation in the best watered province of the Presidency, it must be trifling indeed in those districts which are more neglected, and, as a natural consequence, contribute to the revenue in a far smaller proportion: the results of this negligence being, that immense tracts of land lie everywhere uncultivated, simply for want of requisite irrigation, while numerous large rivers are hourly rolling their surplus waters into the ocean, along a coast extending from 800 to 1,000 miles along the eastern side of the peninsula, dooming reclaimable and virgin lands to sterility, and causing, in great part, the periodical famines, which, with their concomitant, the pestilence, sweep away the wretched inhabitants by myriads at each time of their dreadful visitation. "Had a hundredth part," observes Captain Cotton, "of the time, labour and money that has been lost by droughts, or expended in trying to obviate the effects of scarcities, been expended in providing against them, very much might have been effected; it is undoubted, that in the worst year that ever occurred, enough water has been allowed to flow into the sea to have irrigated 10 times as much grain as would have supplied the whole population." And the indifference of the Government on this head is the more remarkable, from its being a known fact, that proper irrigation is computed to increase fivefold the produce and the value of the land watered.

Roads.

53. That closely connected with the irrigation of the country is the construction of roads, to enable the cultivator and the manufacturer to contribute to the wants of each other, and thereby increase the prosperity of the inhabitants in general, and in regard to which your Petitioners have the greatest causes for complaint, it being a melancholy fact that the sum expended for this purpose at the Madras Presidency is scarcely above one-half per cent. on her revenue, in the North-west provinces it is two-and-a-half, and in Bengal more than one and three quarters; while Bombay, with a far smaller revenue, and half the number of inhabitants, has more than 37,000 *l.* expended upon her roads and canals, while Madras has only 30,000 *l.*

54. That the condition of the roads at Madras, however bad, is just what could be expected under such circumstances; but as it is impossible for your Petitioners to get at official documents on this head, the Government having declined complying with the request of the Association, and all public officers, civil and military, being prohibited to communicate official information, they will draw upon an article contributed to the "Calcutta Review," No. XXXII. for a few facts by way of elucidation. The number of principal or trunk roads as set down in the Return of public works, printed by order of the Honourable the House of Commons in 1851, is only 11; but very few of these are finished, and not one of them is kept in a state of sufficient repair; the only road that is always in good order is that leading from Fort St. George to the head quarters of the artillery at St. Thomas's Mount, a distance of about eight miles; the longest road is that from Madras to Calcutta, 900 miles estimated length, but it has never been completed, and although it is called the Great North Road, and is used by all travellers proceeding to the northern parts of the Presidency,

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Presidency, yet even a few miles from Madras it is not distinguishable from paddy fields, and piece goods have to be brought on the heads of coolies from Nellore, 110 miles distant, and situated on this very road; 50 miles farther it passes over a wide swamp, causing carts and travellers to skirt its edge in mud and water, as well as they can, during six months of the year; on another part of the same line, near Rajahmundry, a gentleman was lately four hours in travelling seven miles on horseback: parts of this road have been at various times repaired, but these portions have afterwards been totally neglected and allowed to fall again into ruin; for the most part the line is unbridged, and in the places where bridges have been constructed, they have been neglected, till the approaches have been wholly cut away by the rains, leaving the bridges inaccessible, and consequently useless. From this road another branches off towards Hydrabad and Nagpore, but, though it is only 22 miles in length, the money expended upon it has been thrown away, and it is never in a fit state for traffic; and such is the general condition of all the rest of the trunk roads, with the exception of that leading to Bangalore, which, and which alone, is practicable, and that only latterly for post carriages and horses, proceeding at the rate of four or five miles per hour.

55. That the country is in an equally desperate condition as regards district roads. The district of Cuddapah, measuring 13,000 square miles, has nothing that deserves the name of road; there are tracks, impassable after a little rain, and everywhere carts, when used, carry half their proper load, and proceed by stages of half the usual length; while the trunk road from this district is so notoriously bad, that the Military Board use it as a trial-ground to test the powers of new gun carriages, which are pronounced safe if they pass over this severe ordeal. This district is one of the finest cotton-fields in South India, but has its prosperity impeded and kept down by the wretched state of its internal roads, and of its communication with the coast, the natural outlet for its commerce. Other districts might be named only second to this in extent, and hardly inferior in capabilities, in which the internal communications are no better; and there are few districts in which country roads, as distinguished from the chief trunk roads, have received any attention whatever, and to all but those few the description of Cuddapah is applicable; the principal exception being the collectorate of Salem, which, as it is a level country, without any large rivers, has, under Mr. Orr, received considerable improvement at a trifling expense of about 4,000 *l.*, and the forced labour of the district; but it is still without main routes of communication with the surrounding districts.

56. That the entire extent of road practicable for bullock carts scarcely exceeds 3,000 miles for the entire Presidency; mostly without bridges, impracticable in wet weather, tedious and dangerous in the dry season; not an individual talook possesses roads correspondent to the number of its population, and where there is the greatest improvement, as at Salem, it is of no benefit to the other parts of the country, and to them is all the same as if it had no existence.

57. That the unwillingness of the Company and the local government to expend money on the construction of roads requisite for the interchange of traffic from province to province, and from the interior to the shipping ports along the coast, would be incredible, if it were not a notorious and substantiable fact; and it is still worse that they should pretend the ryots ought to make them at their own expense; for pressed down, as they are, by a heavy load of taxes, which renders them too poor to purchase Company's salt for their miserable food of boiled rice and vegetable, the latter too frequently wild herbs, the spontaneous produce of the uncultivated earth; unable to supply themselves with clothes, beyond a piece of coarse cotton fabric, worth 2*s.*, once in a twelvemonth, it is impossible for them to find the means or time for road-making gratis, even if they possessed the skill requisite for the purpose; and your Petitioners submit that it is the bounden duty of the State, which reduces them to their miserable condition, and keeps them in it from charter to charter, to spend a far larger portion of the revenues upon the improvement of the country whence they are derived than it does at present. It can find money to carry on wars for self-aggrandizement, to allow immoderate salaries to its civil service, to pension off the whole of its members on 500 *l.* a year each, and to pay interest at 10 per cent. to the proprietors of East India stock, all from the labour of the ryot; and when he requires roads by which he might find the means of bettering his condition, and that of the revenue, he is told that he must make them for himself.

58. That the refusal of the local government to effect the necessary improvements, on the ground of financial incapacity, has indeed much appearance of truth, owing to the circumstance that the Supreme Government of India will not allow any money to be assigned to the purpose of improvements at this Presidency, unless she contributes to the general revenue of the Company the quota of 50 lacs of rupees over and above her own expenditure; and as the surplus revenue for the year 1849–50 was only *Rs.* 43,16,761, and all preceding years very much less, Madras on these terms can hope for but a small allowance; but the fact is that she is dealt by most unjustly in being compelled to furnish military protection to various districts, the revenues of which are paid into the treasuries of Bengal and Bombay; the cost to her of the troops thus supplied amounts to *Rs.* 79,93,000, making, with the surplus already quoted, the sum of *Rs.* 122,09,761, nearly 72 lacs above her assigned quota, and, were she to be allowed to spend her own surplus, there would be ample funds both for public works and for relief from injurious and impolitic taxation; while the construction of good

plaint or petition of appeal; and all further sheets to complete the pleadings ... each a stamp, varying, according to the court of jurisdiction, from 4 annas to 4 rupees. All proceedings in every suit are matter of record, to meet the privilege of appeal.

62. That the vexatious delays arising out of the present judicial system, and the injury thereby inflicted on the suitors, attracted the notice of the Court of Directors so long ago as the year 1814, as will be apparent from the following extract from a despatch to the government of this Presidency, dated the 29th April in that year, and printed by order of the Honourable the House of Commons, on the 1st July 1819:—

"17. What also occasions the great arrears of suits in all our tribunals, both European and native, is the process and forms by which justice is administered. This process and these forms are substantially the same as those of the superior tribunals in England, and even pass under the same names. The pleadings of the court are, almost in every case, written (as well as the evidence of witnesses), and they proceed by petition or declaration, replication and rejoinder, supplemental answer and reply.

"18. Such a minute and tedious mode of proceeding, in a country where the courts are so few, compared with the vast extent and population of it, must be quite incompatible with promptitude and despatch. Causes must be long pending, and slowly got over off the file; and the tardiness with which they are brought to a settlement must, in innumerable instances, be a greater evil than the original injury sought to be redressed, to say nothing of the frequent visits which the litigant parties are under the necessity of making, for the purpose of filing their pleadings in the progress of the cause, according to the turn which the proceedings may take. This grievance is one of no ordinary magnitude to the suitors, as well as to those who may be summoned to give evidence. On one description of persons it must, according to the information we have received from Colonel Munro, operate with peculiar severity: we here refer to the heads of villages. 'They are (he observes) 'subject to great inconvenience and distress, being summoned as witnesses in every trifling litigation that goes before the judge from their respective villages. They are supposed to know the state of the matter better than anybody else, and are therefore always summoned. They are detained weeks and months from the management of their farms, and are frequently no sooner at home than they are called away 50 or 100 miles by a fresh summons about some petty suit which they could have settled much better on the spot; and crowds of them, as well as of the principal ryots, are always lying about the courts, and very often without its being known to the judge that they are there.'"

63. That,

65. That great as are the evils of delay and expenditure, another, scarcely less formidable, is to be found in the imperfectness of the machinery, to which, in point of fact, the two first-mentioned evils principally owe their origin; and consisting in the absence of sound judicial capacity in the presiding officers, especially those of the lower tribunals, scarcely one of whom has even a moderate acquaintance with the vernacular language of the district in which he exercises his functions, has previously devoted any portion of his time to the study of jurisprudence, or experienced even a limited training in a judicial court; and this evil is further aggravated by the injudicious manner in which they are appointed or removed. The heads of the judicial courts are in a state of perpetual transition; when one of them goes away from his post, he is generally replaced, *ad interim,* by the judge of another court, whose post also receives a temporary incumbent from a third court; and so on in a greater or less ramification of changes; all leaving many suits pending which have been partially heard by each of the judges prior to his temporary transition. Where these are intricate, the *locum tenens* usually allows them to lie over till the return of his predecessor; or, if the current business cannot be delayed, they are imperfectly investigated and hurriedly disposed of, manifestly to the prejudice of the suitor in either case.

66. That the indifference of the local government to the interests of the suitors in their courts is further apparent, from the circumstance that a party acquainted with the native language of one district is appointed to another with the vernacular of which he is wholly unacquainted; and one instance has lately occurred where Mr. A. Robertson, who is acquainted with Tamil only, was appointed to the Telugu district of Vizagapatam, where the administration, as Governor's agent, of both civil and criminal justice devolves on him; while Mr. W. A. D. Inglis, acquainted with Telugu, was transferred from Cuddapah, a district in which that language is spoken, to Chingleput, with the vernacular of which district he is totally unacquainted. The consequence of such appointments and exchange is, that the judge is necessarily thrown into the hands of the subordinates of his new court, at whose mercy the suitors find themselves almost entirely placed, with all the pernicious effects resulting from such an anomalous position.

67. That in connexion with the injudicious appointments to which your Petitioners have referred in the preceding paragraph, they beg leave to exemplify to your Right honourable House a few recent and striking instances. In 1847 Mr. E. P. Thompson was appointed a judge of the Sudr Adawlut, the highest court of appeal at this Presidency, when the whole of his experience in the judicial line—and that nine years previously—amounted to no more than

than five years and three months. In 1847 Mr. H. D. Phillips, who had been 8 years, 9 months, and 20 days in the same line, his whole period of civil service being only 17 years, was sent as commissioner to Kurnool, such being chiefly a revenue appointment; and subsequently, in 1850, as collector of Salem; while Mr. S. Scott, only 11 months in the judicial line, saving a little experience while commissioner in Kurnool, was nominated civil judge of Combaconum, one of the most frequented courts in this Presidency. In 1850 Mr. Roupell, who had never done a day's duty as a judicial officer, was made civil judge (an appellate office, and with unlimited jurisdiction as a court of the First Instance) of the important district of Coimbatore.

68. That as regards removals, your Petitioners will instance the case of Mr. Morehead, judge of the Sudr Adawlut, who, in 1850, was ordered to proceed as a commissioner to Ceylon, to investigate some matter concerning a military officer (in which the people of this Presidency had no interest whatever), and during whose absence suits, partially investigated by him, could not be disposed of, to the injury of the suitors therein, and in one case to a suitor's utter ruin from the delay; on which occasion Mr. Freese, who, out of a civil service of 22 years, had passed less than two years in the judicial line, and that also very long ago, was temporarily appointed to the place of Mr. Morehead; and they will also quote that of Mr. Strange, who was taken from his seat on the Sudr bench in this year to proceed on a Government mission into Malabar, on which he has now been absent nine months, and with the usual consequence of all suits examined or acted on by himself being suspended until his (uncertain) return; while, to conclude the general character of the Company's judicial service with its common appellation in this country, it is a "refuge for the destitute," all those persons who are too incompetent for the revenue department being transformed into judges and dispensers of the criminal and civil law of the Mofussil.

69. Your Petitioners, when thus submitting to your Right honourable House the grievances endured by the people of this Presidency in the administration amongst them of civil law, are unable to lay down what might be deemed a fitting remedy; but they may respectfully, yet earnestly, press upon the consideration of your Right honourable House, that the evil of delay acknowledged to exist in 1814 is still unremedied, and that a more summary adjudication of civil suits than can now be obtained is essential for the welfare, comfort and happiness of the people; that this cannot be obtained without altering the present system of appeal; that in doing away with much of these appeals it is indispensable that the courts having summary and final jurisdiction should be presided over by two or more trained, experienced and legally qualified judges; and that experience shows such heads of courts are not to be found in the civil servants of the East India Company, while, as at present, untrained and not specially educated for such responsible situations. Your Petitioners would also suggest the propriety, amounting almost to necessity, of the class of superior judges being rendered incapable of displacement at the mere pleasure of the local government, in order to insure impartiality and justice in their decisions, especially in cases where the East India Company or the local government are parties to the causes to be adjudicated.

70. That besides the better training and more thorough education of the judges in a course of legal knowledge, your Petitioners beg for a complete reformation in the practice of pleading, so that vakeels and pleaders may likewise be previously subjected to a course of sound and thorough instruction, and obtain license to plead only upon regular certificates granted by the Sudr Adawlut, in regard to the necessity of which your Petitioners beg to quote the language of the despatch already referred to, in para. 62:—

"The defective and superficial acquaintance of the vakeels themselves with the regulations, their general inaptitude for the discharge of their duties, has long been the theme of complaint on the part of our servants under the Bengal Presidency, as well as by Colonel Leith, who was employed under your Government in framing the original code of laws and regulations, and who has, in his letter to the Chairman to the Court of Directors, of the 25th January 1808, of which we formerly transmitted you a copy, expressed his opinion on the subject of the vakeels, in terms which have particularly attracted our attention. 'There is, perhaps,' he says, 'no part of the judicial system which has been attended with worse consequences than the vakeel branch of it; they are in general extremely illiterate, and their situation gives them various opportunities of committing abuses which are not easily detected; in particular, they have been accused of promoting litigation, by holding forth false promises of success to their clients; their habits of intercourse with the natives, and their being, in a manner, the only persons who are acquainted with the regulations, makes it easy for them to do so. I do not hesitate in saying, that one great cause of the litigation and delay in law-suits has arisen from the native pleaders.'

"28. Your Board of Revenue also, in the Report to which we have already referred, have distinctly averred that 'the licensing of pleaders in vakeels had led to a series of fraud and corruption in the zillah and provincial courts,' and they therefore recommend that in the revenue courts which it was then in contemplation to establish at the Presidency, 'pleading *ore tenus* should be adopted, instead of petitions, replications, and rejoinders.' We therefore direct you to instruct the courts of Sudder Dewanny and Nezamut Adawlut, and the inferior courts, to communicate their ideas on this subject, and that you do thereupon revise the respective powers, together with the forms of process in both departments, with the view of rendering the proceedings in civil cases as summary as may be compatible with the ends of substantial justice;" and to inform your Right honourable House that all things above noticed as

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injurious to suitors, arising from the ignorance and dishonesty of the vakeels, are as bad and common now as they were when Colonel Leith recorded his opinion.

71. That should it seem good to your Right honourable House to do away with the oppressive system of ryotwar, and substitute in its place the ancient village system of the country referred to in a former part of this Petition, your Petitioners pray that it may be restored in its integrity; the potail or head of the village, and his village servants, being invested with the superintendence of the local police, an appeal against his proceedings to the courts of justice being allowed; the institution of the village punchayet, which is now only optional, being rendered imperative, and composed of respectable ryots, to be selected by the villagers in monthly rotation, the punchayet to take cognizance of civil causes for simple debt up to *Rs.* 100, with the power of passing a final decision when the amount does not exceed *Rs.* 20.

72. That a district punchayet be formed for a certain number of villages, the members being elected annually by rotation, having jurisdiction in suits to the extent of *Rs.* 500, to which appeals may be carried from the village punchayets in all cases within their cognizance above *Rs.* 20, and that an office of registry be established in each village in communication with the collector's cutcherry for the prevention of frauds. And your Petitioners beg to refer your Right honourable House to the 48th and following paragraphs of the same judicial letter from the Court of Directors to this Government, for a full and favourable account of the punchayet system, to which they have adverted, the paragraphs being too many to be quoted at length within the compass of this Petition.

73. That the criminal courts of the Company are on a par with the civil courts, the judges being without any distinct legal training, excepting what is to be obtained in the revenue department, where they have all previously held the appointment of magistrate and justice of the peace; and although they have regulations furnished for their guidance, framed by the Sudr Adawlut, the members of which are persons selected from their own body, and whose whole stock of judicial information is derived from their experience in more subordinate situations, their proceedings are too frequently heterogeneous, and based upon misapprehension of the regulations; and their inefficiency may be inferred from the facts that, in the year 1850, the latest date to which your Petitioners have access, in one district, that of Rajahmundry, the disproportion of the persons punished to the number summoned was nine per cent. of the former to 91 per cent. of the latter, 100 men having been brought up for every nine that were convicted; in other districts the ratio has been in some 17 per cent., and in others 10 per cent., while the average ratio in all the districts throughout the Presidency showed that the number brought up to the magistrate was twice that of the convicted parties; and these inconveniences, amounting very generally to injuries, are chiefly occasioned by the European magistrates giving their principal attention to their revenue duties, leaving those of the magistracy to be performed by their subordinates. That in two districts alone, those of Cambaconum and Tinnevelly, the number of individuals against whom the charges were declared to be wilfully false and malicious was 2,064; while the number of persons punished for bringing those charges was no more than 136. In the whole Presidency, for petty offences before the police, 51,602 persons were detained for periods running from three days to 60 and upwards, of whom 11,823 were detained above 30 days; and as the number punished altogether was only 45,829, it follows that many were detained who were not offenders. Again, it is to be remarked, that 12,543 persons were detained from three to upwards of 30 days for crimes and misdemeanors, while the provisions of clause 4, section 27, Regulation XI. of 1816, limit the time for inquiry to 48 hours.

74. That these few facts taken from the Report of the Foujdaree Adawlut, sufficiently demonstrate the ill-working of that part of the administration of criminal justice which is entrusted to the police; much of which might be remedied if the magisterial power were taken away from the collectors and their subordinates, who have full employment for all their time and talents, in the performance of their duties connected with the collection of the revenue, and on account of which, as above remarked, they depute so much of their functions connected with the police to the tehsildars; that, although your Petitioners cannot distinctly discover, from the Report of the Foujdaree Adawlut, the individual crimes of the accused parties in the police cases, they are yet perfectly sure that the far greater portion have been made to arise from the demands for the revenue; the tehsildars being able, in their magisterial capacity, to trump up false accusations, and to involve any number of persons in their charges; this circumstance accounts for the number of parties brought up to the police, who were ultimately discharged; for the admitted number of false and malicious charges, for the paucity of punishments affecting the authors of the charges, and for the numerous detentions in violation of the regulations; besides this, the police being all under the collector, and always more attentive to the exaction of the revenue than to the preservation of the lives and property of the people, the natural consequence is, that burglaries, highway and gang robberies, are more or less prevalent in every district, which could not be the case if the police were efficient and performed its proper duty. Your Petitioners pray, therefore, that this anomalous state of things may be rectified; that the police may be made a separate department, as it was before the regulation of 1816; and that it may be enlarged to the extent necessary for the effective protection of the country.

75. That the "Select Reports of Criminal Cases," determined by the same court, afford abundant instances of the ill-working of that part of the administration which is committed

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to the higher class of criminal judges, of which your Petitioners will briefly quote a few cases. At Masulipatam, at the 3d quarterly session of 1838, a person named Kota Ramudu and fifteen others, were tried for gang robbery and murder, in an attack on the Talook treasury at Ellore, two of whom were convicted and sentenced to 14 years' hard labour, in irons; on the case coming before the Foujdaree Adawlut the sentence was changed into transportation for life; subsequently to which further evidence was produced, which the said court considered conclusive as to the innocence of the condemned parties, and orders were given for their release; but in the interval one had died at the place of his transportation, the other was brought back, and, to quote the language of the reports, "a present of money was bestowed upon him by Government by way of compensation for the hardships he had undergone." At Coimbatore, in October 1845, Ramadattan and four others were tried for murder, when the session judge convicted them all, and recommended that they should be severally sentenced to death. In this recommendation the first and third puisne judges of the Foujdaree Adawlut, Mr. Waters and Mr. Boileau, coincided; but the second judge, Mr. Lewin, expressed his conviction that the murder had been perpetrated by two of the witnesses, and proposed that the trial should be laid before the chief judge, Mr. Dickinson, who concurred with Mr. Lewin; when an additional judge, Mr. Thomas, was appointed to go into the case, and he concurring with Mr. Dickinson and Mr. Lewin, the prisoners were acquitted, and the session judge was reproved for not having properly attended to the regulations. In June 1848, Madiga Poturaza Karra Tippadu and two others were tried in Kurnool, before the agent to the Governor of Fort St. George, on the charge of murder. The agent convicted Madiga, and recommended that he should be hanged, and that the second prisoner should give security. The Court of Foujdaree Adawlut considered "the evidence too weak and inconclusive for the conviction of, or even for a requisition of security from, any of the prisoners charged;" acquitted Madiga, directing his unconditional release, and issued orders for the annulment of the requisition of security under which the second prisoner had been placed. After this sentence of acquittal had been passed by the Foujdaree Adawlut, the agent received information that the commission of the murder had been perpetrated by an unsuspected person named Sanjivigadu, who had confessed his guilt, and surrendered himself to the police. The agent of the Governor at this period was Mr. H. D. Phillips, whose eleven years of judicial experience would have hanged three innocent persons, upon evidence insufficient to demand a requisition of security from any one of them. In August 1850, Govind Row was tried at Combatore for murder and robbery. "The session judge, Mr. Roupell, in concurrence with the Mahomedan law officer, considered the evidence to be conclusive as to the prisoner's guilt, and referred the trial for the final judgment of the Foujdaree Adawlut, with a recommendation that he should be sentenced to suffer death." The Court observed that the examination was defective, and that there were discrepancies and omissions in the evidence for the prosecution, which vitiated the proof of several circumstances. They accordingly acquitted the prisoner of the crime charged, but ordered that he should find two securities in 50 rupees (5 *l.*) each, for good behaviour and appearance when required within three years.

76. That your Petitioners restrict themselves to these four cases, because they are desirous not to lengthen their Petition unnecessarily; but they would request the attention of your Right honourable House to the last instance quoted, it having come under the cognizance of Mr. Roupell, the officer whom your Petitioners have mentioned in an earlier paragraph as having been appointed judge at Coimbatore, without having ever done a day's duty as a judicial officer. It is not, therefore, surprising, that his examinations should exhibit discrepancies, defects and omissions, nor that he should be obliged to lean on the Mahomedan law officer for support and guidance, which would have cost the prisoner his life except for the interference of the superior court; when Mr. Phillips could go as far wrong as he, after a duty of eleven years in the judicial department.

77. That these four instances are enough to show the absolute necessity for a change in the judicial system, as regards the appointment of judges holding jurisdiction over the lives and persons of Her Majesty's subjects in this Presidency; and your Petitioners may desire a change in the laws or regulations also, by the introduction of a better code than that of the Mahomedans; by which, to name only one particular, adultery is made a criminal offence, whereas by English and Hindu law it is one of civil action for pecuniary damages. A comprehensive code, published in English, and translated for the information of the public, would do away with the necessity of Muftees or Mahomedan law officers; while the restriction of judicial employment to a separate class of persons, trained to an acquaintance with it, both by theory and practice, would render the judges at home in their own courts, and instil a confidence among the people which is, and must ever be, wanting in the regulations and judges of the Company as at present constituted.

Public Records.

78. That great inconvenience is continually resulting to the people from the impossibility of getting access to the public records and documents of the various offices, of which your Petitioners will give two or three instances: in the year 1846, the Hindu community forwarded to the Court of Directors, through the local government, a memorial, the receipt of which was acknowledged by the Chief Secretary, with the remark, that the memorialists ought to "refrain from representations touching the proceedings of Government, whilst the facts and official documents which alone contain the true record of these facts are unknown to them;" and when on this intimation an application was made for certain information connected with a second memorial then in course of preparation, the same Chief Secretary replied

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that the application was irregular, and, instead of supplying the information, referred them to the former letter. In the present year the Madras Native Association applied for access to official data, necessary to enable them to draw up this Petition to your Right honourable House, when no notice was vouchsafed to their application; and, lastly, about five months ago, on the 9th July, application was made on behalf of the Memorialists for the second time, requesting to be informed if the orders of the Court of Directors, which the Government had stated, in reply to a previous application, it was then awaiting, in consequence of the Court's despatch not being sufficiently explicit, had been received; and if so, that they might be communicated to the Memorialists: the Chief Secretary ordered it to be recorded, but has given no answer up to the present date. There are also innumerable instances in which natives accused to their superiors of misconduct, are constantly refused copies of office documents by which to establish their defence, and free themselves from false accusations. Your Petitioners therefore request, that parties on making application may be entitled to take or to receive copies of such papers as they may wish to possess for such purposes; as well as that all official papers of general interest may be printed for sale at cost price; by this practice the Government would be considerable gainers, as its acts, and the reasons of them, would thereby be rendered public, together with their attendant circumstances; and they would no longer be subject to misrepresentation and misconstruction, as they are and must continue to be under the operation of the present system of official secrecy.

Education.

79. That your Petitioners will next advert to the state of national education in this Presidency, in the hope that your Right honourable House will take measures for enforcing the obedience of the local government to such future regulations as the wisdom of your Right honourable House may lay down for its guidance in the time to come. Your Petitioners will trace the subject no further backwards than to the year 1826, when Sir Thomas Munro, being Governor, proposed in a Minute, dated 10th March, that the system of native education should receive assistance from the State, which should be small at first, but increasing gradually till it extended to the formation of 40 collectorate schools, and 300 tehsildary schools for the entire Presidency, the estimated expense, when in complete operation, being calculated at *Rs.* 48,000. The Court of Directors, in a despatch dated the 16th April 1828, sanctioned the annual appropriation of *Rs.* 50,000 for this purpose; and immediately on the receipt of this sanction, the proposed plan was put into partial operation, and continued till the year 1834, when the College Board for native instruction declared it a great failure. On this, the Government proposed a modification of the plan, extending the expenditure to *Rs.* 90,000, which, on being referred to the Supreme Government, was disapproved of by that authority, which recommended an effective seminary at Madras, for instruction in English, and provincial English schools, as far as the allowed funds should be available. From this time projects were formed, but not carried into effect, till on the 12th December 1839, the Government deemed it expedient to establish a central collegiate institution at Madras, which was to be self-supporting, by means of public donations and the exaction of fees from the pupils. The institution was opened on the 14th April 1841, when it was publicly stated, that should it "appear to answer its design, and require in its early existence some small pecuniary help at the hands of Government, the School Board would recommend with confidence its interests to the Government;" but no donations being forthcoming, and the number of pupils few, from that period to the present the annual sum of from *Rs.* 25,000 to *Rs.* 30,000, has been regularly granted to the institution.

80. That it will thus be apparent, that, instead of education being shared equally among all the districts of the Presidency, it is confined altogether to the town of Madras, in which a single school, attended by 160 pupils, on the average of its ten years' existence, absorbs more than one-half of the grant awarded for the entire population of 22,000,000, while the other half of the grant has lain useless in the Government treasury ever since the grant was in existence.

81. That while the Presidency of Bombay, with a population of 10,000,000, and instead of yielding a surplus revenue, has a deficiency of 50 lacs of rupees annually, enjoys a grant of a lac and a quarter of rupees, and communicates instruction at 185 schools, frequented by 12,712 pupils, Madras, with her actual surplus revenue of 73 lacs of rupees, and more than twice the population, is stinted to two-fifths of the amount, and by the parsimony and indecision of her local government has been deprived of one-half of even this small allowance, ever since the grant was made by the Court of Directors.

82. That your Petitioners desire from your Right honourable House the increase of this grant proportionately to the number of the population, and the establishment of efficient schools throughout all the districts of the Presidency, their number and location to be totally irrespective of the schools established by the various missionary societies for the purposes of conversion; and, as the English language is at present but very little known in the interior, they desire that the teaching of the vernaculars, instead of being neglected as at the Presidency, shall meet with the attention they so greatly need; and to that end that provision be made for the translation of useful and scientific works from the English, for which special purpose there could be appropriated the eight lacs of rupees now lying in the Government treasury, and being the remaining surplus of the pagoda funds or revenues accruing to the Hindu temples whilst under the management of Government officers.

83. That with reference to the subject of national education, your Petitioners are anxious to bring to the notice of your Right honourable House certain proceedings which are now in train,

train, in order to appropriate part of the educational grant towards the assistance of missionary or convertising operations, as they exist at various stations throughout this Presidency, under the name of a "Grant-in-Aid System," by which it is proposed to extend the pecuniary assistance of Government "to other institutions which are now or can be made the instruments of imparting a sound and liberal education," "whether conducted by missionary bodies or others;" with which view the Government has issued a circular in the public department to the different collectors, in which each is directed to "furnish the Government with the best and fullest information in your power regarding the educational institutions within your district, whether conducted by private parties, or missionary or other public bodies;" and has further recorded in Minutes of Consultation, dated 1st November 1852, "The Governor in Council is not of opinion that any Government schools should be set up at stations in the provinces where private missionary or other public seminaries have already been established, and have been found adequate to the instruction of the people. To that opinion he will now add, that he considers it very desirable to extend moderate pecuniary assistance to such schools, as a means of diffusing education on sound and unexceptionable principles, and he proposes that the honourable Court be solicited to entrust the Government with a discretionary power on this point."

84. That your Petitioners would point out for the consideration of your Right honourable House, that this proposed appropriation of the education funds to the support of Christian institutions was rejected by the Court of Directors in a despatch to this Government, dated 24th August 1844, in reply to an official application in behalf of an institution at the Presidency, called "Bishop Corrie's Grammar School," on the ground that it did not come "within the object of the funds set apart for the promotion of native education." There is also on record a letter of the Court of Directors with reference to the introduction of the Bible as a class-book into the schools to be established from those funds, which says, "The provincial schools and the Madras University are intended for the special instruction of Hindoos and Mahomedans in the English language and the sciences of Europe; we cannot consider it either expedient or prudent to introduce any branch of study which can in any way interfere with the religious feelings and opinions of the people; all such tendency has been carefully avoided at both the other Presidencies, where native education has been successfully prosecuted. We direct you, therefore, to refrain from any departure from the practice hitherto pursued."

85. That your Petitioners hereupon represent to your Right honourable House, if it be contrary to the intentions for which the educational grant was bestowed, to devote any portion of it in aid of an institution where convertism is neither professed nor practised, as at Bishop Corrie's Grammar School, or to permit the establishment of a Bible class in any of the Government schools, although the attendance at such class was to be left entirely optional with the pupils, it would be a much wider divergence from the object, and a much greater "interference with the religious feelings and opinion of the people," to apply the funds—especially at the discretion of the Madras Government, at all times notorious for its proselyting propensities—in support of missionary institutions, wherein the study of the Bible is not optional, but compulsory, and which are avowedly set on foot and maintained for the single object of convertising the pupils, to whom on that account education is imparted free of charge; and your Petitioners conceive that the support of such institutions by the Government would be productive of the worst consequences, as it would distinctly identify the ruling authorities with the one grand object of such schools, the proselytism of the natives; the only difference between which and the undisguised practice of convertism in the schools supported solely by the State would amount to this: Government would pay twice the price for a convert of its own direct making, which it would have to pay under the "Grant-in-Aid," to the seminaries of the missionaries; at the same time it would place itself at the head of all the missionary societies in the Presidency, doubling their pecuniary resources, enabling them to increase the number of their agents, and to extend their convertising operations exactly in proportion to the "discretionary power" with which this Government, in the Minutes above quoted, desires to be entrusted.

86. That your Petitioners cannot avoid remarking, that the desire of the Madras Government with regard to rendering the educational funds committed to its trust subservient to the purposes of proselytism, is of some standing. The Marquess of Tweeddale, while entertaining the proposition of the Council of Education, to adopt the Bible as a class-book, recorded his approbation of the measure, observing, in a Minute dated the 24th August 1846,—"The value of a religious and practical education to fit our countrymen for the various duties of life has been established beyond all doubt;" and again,—"The reports and complaints so constantly made to Government against the integrity of the native servants are sufficient evidence that something is wanting to ensure a faithful service from them;" and again,—it "requires a more solid foundation than is to be found in the Hindu or Mahomedan faiths to bear the change which learning operates on the mind of those who are placed by their superior abilities in responsible situations in the employ of Government." And the present Governor in Council, in his Minute approving of the "Grant-in-Aid" to the missionaries, has deemed it expedient to record,—"Although it is perhaps not immediately relevant to the subject of these proceedings, yet, as it is a momentous point in looking at the general question of education to the natives, the Governor in Council is compelled to state, both from observation and sedulous inquiry, that he has arrived at the conclusion that the people of this part of India, at least, have neither by any means had their minds expanded and

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enlarged to the degree that might have been anticipated through the instruction and care that has been bestowed upon them, nor has he seen any sufficient reason to indulge a belief that their innate prejudices have been removed, or even lessened, or their moral character and sense of veracity, integrity, and proper principle improved. He does not deny but that there may be occasional bright exceptions; but he is of opinion that, whatever system of education may be enforced hereafter, its chief aim ought to be directed to moral improvement, combined with extirpating the foul vices of untruthfulness and dishonesty, which are hardly now held by the great masses to be a reflection, unless discovered."

87. That your Petitioners do not consider this the proper place to remark upon the gratuitous insult offered to their whole community by the Government, in recording such an opinion for the sole purpose of transmission to the governors of the Madras University, one-half of whom, to the number of seven, are natives, under its constitution; but they beg to observe, that it ill becomes the Government to taunt the natives with "the instruction and care that has been bestowed on them," whilst it has for so many years declined disbursing one-half of the educational grant, and contented itself with keeping up a school of 160 pupils, established so far from the town of Madras as to make it inconvenient for persons to send their children, besides charging a school fee beyond the means of payment by the masses; and when, besides this ill-located and over-charging institution, there is not a government school over all the 140,000 square miles comprising the Madras territories.

88. That this sweeping condemnation, if it be justly founded, which your Petitioners are rather loath to believe, seeing that Sir Henry Pottinger has never been known to mix with the natives, except now and then when he may have presided at the annual university examinations, and other such meetings, and with the servants of his household,—exhibit the fallacy of both the past and present Governments, in imagining the study of the Bible to be a panacea for the "vices of untruthfulness and dishonesty;" for, as the whole of the instruction and care bestowed on the natives, beyond that bestowed upon the 160 pupils of the university, has been missionary care and instruction, devoted to the study of the Bible, and that in the proportion of thousands to tens, it must be apparent that the "sound and unexceptionable principles" adverted to in the Minute, have done literally nothing for the "moral improvement" of the pupils into whose minds they have been so sedulously instilled, and therefore there can be no valid reason for extending a "Grant-in-Aid" to institutions which have thus essentially failed; but there is a very strong reason against such aid being given, in order to assist in the conversion of the people, with whose religious feelings and opinions the Court of Directors has so frequently pledged itself not to interfere, and with regard to which the present Charter Act, passed by the Imperial Parliament, enacts and requires, that the Governor-General in Council shall by laws and regulations provide for the protection of the natives within the British territories from insult and outrage in their persons, religions or opinions.

Church Establishment.

89. That your Petitioners, being aware, from several sources, that both the Anglican and Scottish State churches are making great efforts, both in this country and in England, for an increase of clergymen upon their respective establishments in India, respectfully, but most determinately, remonstrate against any increase to either. They admit the propriety of military chaplains for the European troops, but repudiate the injustice of the people of this country being compelled to support a couple of State establishments for a mere handful of foreigners, professors of a foreign creed; and, while they will not object to the number of clergy already in the country, they desire to see them appropriated entirely to the military service, and that whatever augmentation be needed, the requisite funds shall be provided by the individuals by whom such services may be requested. The community to which your Petitioners belong supports its own religion; so do the Mahomedans and the various dissenters from the Church of England at this Presidency; even the Anglicans have commenced to do the same, and justice demands that they should be left as much to themselves as all other sects are; and your Petitioners earnestly pray your Right honourable House that the people of this country may be no further taxed for the maintenance of a number of individuals who are of no earthly use to them; but that their expenses may be borne wholly and solely by those persons to whom their ministrations are necessary and acceptable.

Exorbitant and ill-used Power of the Legislative Council.

90. That your Petitioners would be wanting in their duty towards the entire Hindu community, from one end of India to the other, if they omitted to complain to your Right honourable House respecting the enormous power granted to the Governor-General in Council, and the unjust partiality with which that power has been exercised, in what it has been pleased to term the *Lex Loci*, by which is meant an enactment subverting in one of its most essential and venerated points the Hindu law of inheritance, guaranteed to them on various occasions by the local government and the Court of Directors, and further sanctioned and secured to them by special Act of Parliament, 21 Geo. 3, c. 70, which provides that the "inheritance and succession to lands, rents, goods, &c., shall be determined, in the case of Mahomedans, by the laws and usages of the Mahomedans; and in the case of Gentus, by the laws and usages of Gentus; and where only one of the parties shall be a Mahomedan or Gentu, by the laws and usages of the defendant;" and again, "that all the rights and authorities of fathers of families, and masters of families, according as the same might have been exercised by the Gentu or Mahomedan law, shall be preserved to them respectively within their said families."

91. That the subversion of the rights thus guaranteed by the Indian and Home authorities, as well as by the Imperial Parliament, was first openly attempted in the year 1845, when an Act, intituled the *Lex Loci*, was drafted, and the draft published for general information on the 25th January; immediately consequent upon which publication, remonstrances from the majority of the three Presidencies were sent up to the Supreme Government, and the Act did not pass into law; between that date and the year 1849, it was discovered that, so far back as the year 1832, there had appeared in the middle of a Bengal Regulation about revenue matters, zillah judges, moonsiffs, ameens, &c., &c., and consisting of 18 sections, a few lines, forming section 9, directing that "in civil suits wherein the parties are of different religious persuasions, the Mahomedan and Hindoo laws shall not be permitted to operate to deprive of property to which, but for the operation of those laws, the parties would be entitled."

92. That this section, with whatever intentions it may have been originally framed, never had more than one instance of practical application during the thirteen years subsequent to the Regulation, viz. in May 1849, after the correspondence on the *Lex Loci* had occasioned the discovery that these sections were in existence; and it was during all the previous time unknown to the bulk of the population, whose attention was first attracted to it by its reproduction in 1849, in order to render it applicable to the whole of India. That in rendering it so applicable, the law member of the legislative council, Mr. Bethune, recorded the following observations: "I have prepared an Act for this purpose, though with some lingering doubt of the justice of the measure. According to Hindoo notions, the right which a son has to succeed to his father's property is commensurate with his obligation to perform his funeral obsequies, from which the outcaste is necessarily excluded. Put the case of property bequeathed in England to a man on certain conditions, which conditions he by his own voluntary act renders himself incapable of performing: what should we say to a law which nevertheless secures the property to him?" Mr. Dick, a Judge of the Sudr Dewany Adawlut, also recorded,—"This Act differs essentially in principle from Regulation VII., 1832, section 9: that did not in any way interfere with the religion of the Hindoos; this does. The law of inheritance of Hindoos is founded on their religion."

93. That, notwithstanding Mr. Bethune's confession of its injustice, and Mr. Dick's remark that the Act proposed was so "essentially" different from the Regulation, the Act was determined upon by the four members of council, Messrs. Bethune, Littler, Currie and Lowis, and passed into law under the declaration that it was merely the extension of the principle of the Regulation from the Presidency of Bengal to all the territories subject to the government of the East India Company, with the concurrence of the Governor-General, Lord Dalhousie, who recorded that he could "see no semblance of interference with the religion of the Hindoos, nor any unauthorized interference with rights secured to them."

94. That the Act thus passed in 1850 has been stretched, even beyond the principle on which it was professedly framed, by Sir William Burton, puisne judge of the Supreme Court of Judicature at this Presidency, in the following instance: a married Hindoo, named Valungypaukum Streenevasa, became the convert of a missionary agent named Symonds, by which act the convert renounced his caste, and thereby forfeited all claim to his former relationship, including that to his wife, to whom by the Hindu law he became virtually dead, and she herself bound to perform his funeral obsequies. The wife, adhering to the faith of her country, refused to associate with him in his new condition, and remained with her own relations for some time, until she was ordered to appear in court under a writ of Habeas Corpus, granted on the application of the said Streenevasa, and served upon the woman's father, by whom the affidavit of the convert stated that she was against her will detained.

95. That the return to this writ was a denial by the father that his daughter was or had been in his custody, and it was supported by an affidavit, that "neither he, nor any one by his order, had ever exercised any constraint over Lutchmee," his daughter. In the meantime, however, Lutchmee had been inveigled to come into court at the persuasion of her father's legal adviser, upon the false assurance that she would be permitted her free option of going to her husband or returning to her relations. She accordingly came forward on being called for, and after counsel had been heard on both sides, Sir William Burton,—having first refused the request of the father's counsel "to ascertain the wishes of the girl,"—proceeded to give an elaborate opinion, concluding with the assertion, that "the Act passed in 1850, in this country has swept away, as to all force in courts of law, that system in India which was equally tyrannical and oppressive," and with this declaration he ordered Lutchmee to be delivered over to the custody of her husband. "This order for the delivery of Lutchmee to her husband,"—your Petitioners quote the words from a printed pamphlet, entitled, "The Case of Lutchmee Ummall," edited and prefaced by Rev. —— Symonds,—"was no sooner made known to her, than she manifested a decided unwillingness to be given over, and on the approach of Streenevasa to take her by the hand, she sharply repulsed him, saying, 'You have nothing to do with me.' At the same time, also, her aunt, by whom she was accompanied, began to utter loud wailing and lamentations, and clung to her niece with a view to prevent her being taken away. Eventually the judge was compelled to direct one of the officers of the court to separate Kunnamal from Lutchmee, and to remove the latter to one of the rooms in the court, where Streenevasa joined her. The scene was altogether most exciting. The wailing of the aunt and the screaming of Lutchmee, as she was being carried out of court, caused painful sensations; added to this, the Brahmins and others present, by their vociferations and gestures, exhibited the rage and displeasure they felt at the

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the decision. For a time the tumult was so great as to wear a threatening aspect; but through the excellent management of the magistrate, Mr. Clarke, and his police, the place was cleared, and Lutchmee was conveyed to Sullivan's Gardens in safety." Sullivan's Gardens, your Petitioners beg to state, are the residence of the converting missionary, into whose carriage, and with whose assistance, she was violently thrust by the officers of the court, and whose prisoner Lutchmee remained till he had converted her, and procured a government situation for her husband, which, being a very common mode of enticement practised by certain of the Company's covenanted officials, was no doubt, among others, an inducement that led Streenevasa to apostatise from the faith of his forefathers.

96. That this compulsory conversion of Lutchmee Ummall, under the auspices of a judge already notorious for carrying his proselyting inclinations to the bench of the Supreme Court, and there acting upon them, proves that, although Lord Dalhousie could see "no semblance of interference with the religion of the Hindoo," when he concurred in passing the Act of 1850, it is, in point of fact, a ready and most powerful instrument of such interference, in the hands of such judges as Sir William Burton, under whose judicial opinion respecting its interpretation, with regard to "rights and property," the convert cannot only claim and seize upon property to which he has no title, except under the law which declares his forfeiture of it; but in all cases of coparceny—cases that more or less exist in every Hindoo family—he can violate and trample upon the rights of his relations, by intruding himself into the pagodas, choultrees and houses, which are family property, claiming the full right to their ingress, occupancy, and the share of their management, and the direct and perpetual interference with all the social and religious privileges of the Hindus, from which he is shut out by the law, under which he obtained them, and to the enjoyment of which, to the annihilation of that law, he is restored by the Act of 1850, as interpreted, laid down, and put in operation by Sir William Burton.

97. That your Petitioners cannot but consider the decision of Sir William as erroneous as it is tyrannical and oppressive; for in a more recent instance at Bombay, wherein a Hindu convert sought to recover his wife by means of a Habeas Corpus, the Chief Justice, Sir Erskine Perry, refused to let it issue, and delivered his reasons in open court, referring at the same time to the decision of the Madras Puisne Judge, as reported in the following sentence: "With reference to the case decided at Madras, his Lordship admitted that it militated very strongly against the principle he had laid down; but, bound as he was to pay every respect to the opinion of Sir William Burton, he (Sir E. Perry) felt it his duty to say that he differed from it entirely. His Lordship had, therefore, no hesitation in refusing the present application."

98. That your Petitioners, feeling themselves highly aggrieved by the practice of Sir William Burton in deciding cases in which missionaries and Hindus are the opposing parties, by his religious feelings, rather than the principle of justice, beg to advert to two of his former decisions; the first of which was passed in the year 1846, in which a Hindu boy, named Ragavaloo, was produced in court, his father asserting that he was not of age according to Hindu law, the missionaries, on the contrary, asserting that he was of age, when the Puisne Justice, not being otherwise able to favour the missionaries, said he should decline resting what was his view of the case upon the mere point of age, and that it was not years, but discretion that was to guide the Court in this matter. He accordingly put a few questions to the lad, one of which was, "Does Christ forgive sins as God or Mediator?" To which the reply was, "As Mediator." After which he observed, "He is choosing good for himself; he is choosing that which he believes will be for his salvation;" and, making his good choice the evidence that he was of age to choose, he delivered the lad into the hands of the missionaries.

99. That the second instance happened in 1847, the child in dispute being a female, named Mooneatha, upon which occasion Sir William Burton, alluding to his former decision in the case of Ragavaloo, acknowledged, that, "had the object of his choice been bad, I should have come to another decision." There was, however, no occasion this time to substitute discretion and a good choice in the place of age, as an affidavit was put into court from two doctors in the Company's service, to this effect,—"We, upon our oaths, say, that we did; at the request and in the presence of the Reverend John Anderson, on the 19th April 1847, examine and inspect the person of Mooneatha, and that we are of opinion that the said Mooneatha is of the age of 12 years, or thereabouts;" with reference to which the Puisne Judge remarked, "We know that there is no circumstance, no temptation, no consideration, no interest, that would lead these gentlemen to deceive this Court. We know what they state, they have seen and do believe;" and accordingly the Court adjudged the possession of the girl,—thus shamelessly and insultingly submitted to examination and inspection by three men, one of them a Christian minister,—to the missionaries, although the fact that she was not of the age of puberty was incontestably proved, from the very circumstance of her being allowed to attend Mr. Anderson's school, Hindu females, after that period, not being permitted to go abroad, unless they are married women.

100. That from these circumstances, as well as others wherein Sir William Burton has expressed himself inimical to the Hindu community, in open court upon the bench, your Petitioners earnestly beg that no more judges affected by a religious bias, which induces them to carry their peculiar creed to the bench of justice, and there to follow its impulses in their decisions of cases brought up for their adjudication, may be appointed, either to the

the Puisne or Chief Justiceship in the Supreme Court at this Presidency; conduct like that to which your Petitioners have been referring being calculated to inflict great misery upon the Hindu community in their social relations, and to create public disturbances, leading to the most mischievous consequences, among a people patient and submissive under every change of government, and roused to the open expression of their feelings only by what they consider to be grossly insulting and cruelly oppressive towards a religion of some thousand years' establishment, and which has been handed down to them as the most sacred deposit from their ancestors.

Subordinate Presidencies.

101. That your Petitioners, as subjects of the Madras Presidency, beg to represent to your Right honourable House the injustice and injury they suffer from the system which places the whole of its resources at the disposal of the Supreme Government, by which the improvement of this portion of India is retarded, and the poverty of the population impoliticly augmented. Not only is the local Government prohibited from disbursing the public revenue raised within it to local purposes, but a large portion of it is so brought upon the general books of the Supreme Government as to depreciate the value of the Presidency as a distinct portion of British India, and to make other portions of it appear more valuable than they really are; and this factitious system of accounts is made a reason with the paramount authority for denying the improvements of which Madras is so deplorably in need, and to which she is most undoubtedly entitled.

102. That, as an instance of this injustice, your Petitioners will explain, that many years ago the sum of 50 lacs of rupees, or 500,000 *l.*, was fixed as the amount which Madras ought to contribute to the general expenses of the Indian empire, over and above her own charges; and from 1821 to the present time it has been the constant practice with the Supreme Government to press retrenchment and economy on this Presidency, and to refuse sanction to expenditure or improvements essential to her advancement, on the plea that her surplus fell short of that required amount; and thus Madras is screwed down to the lowest point, on the false ground that she does not pay her fair quota of revenue, while Bengal, on the reputation of an enormous surplus, is allowed to make disbursements too frequently bordering upon wasteful extravagance.

103. That this different treatment observed towards two component parts of the same empire, even if the case stood as is fallaciously pretended, would be scarcely just, most certainly ungenerous, and singularly impolitic; but if the case be otherwise, the treatment of Madras is not simply unjust and impolitic, but becomes an act of tyrannous oppression; and that the case is otherwise your Petitioners proceed to show. The surplus is counted over the 50 lacs settled as the amount of her own expenditure, which includes the military charges incurred on her own account only; but for a series of years past a large part of these charges has been incurred on account of troops garrisoning countries, the entire revenues of which are paid into the treasuries of Bengal and Bombay, viz., the Saugor and Nurbudda country, Mhow, Nagpore—the subsidiary force, Cuttack and Balasore, Tenasserim coast, the Straits settlements, and Aden, belonging to Bengal; and the southern Maharatta country, belonging to Bombay: the Madras force in all these several districts or stations amounts to four regiments of native cavalry and 16 of infantry, together with one troop of horse artillery and 10½ companies of foot artillery, the charges for which are within a fraction of 80 lacs of rupees, or 800,000 *l.* per annum, which, though defrayed by her, are no part of "her own charges," and amount to 30 lacs over and above the surplus at which her revenue was rated, in order to entitle her to draw upon her own treasury for local "expenditure and improvement;" but, besides this, the official statements, published by order of the Honourable the House of Commons, have given her a credited surplus for several years past, the latest your Petitioners have access to being that of 1849-50, in which it is set down at 43 lacs and upwards, which, added to the 30 lacs arising out of the military expenses incurred on account of Bengal and Bombay, give her for that year no less than 73 lacs beyond her quota towards the general expenditure of the empire, and which, as such, ought to have been at her disposal.

104. That besides this giant injury, there are many others occasioned by the centralization of authority in the Supreme Government. No alteration of salaries, no revision of office establishments, can be made without the previous concurrence of the controlling power, and the difficulties and delays in the way of obtaining this concurrence are such, that the heads of offices will put up with experienced inconveniences, both temporary and permanent, rather than seek so laborious and troublesome a remedy. Instances have been known in which such applications received no notice for nearly two years, and when a reply was again solicited, the answer was a request that copies of the papers might be sent, as the originals were lost. Sometimes it has been proposed by the Madras Government to modify establishments by reduction in one quarter, in order to strengthen another, and the result of the application has been, that the reductions have been sanctioned, and the additions refused. Very recently the engineering officer of the 1st division, Colonel Arthur Cotton, having satisfied himself by local inquiries that reasonable ground existed for believing that the River Godavery might be rendered navigable for 400 miles inland from the sea, applied to the Madras Government for a small sum of money to enable him personally to explore the river in a small steamer he had himself built for the service of the Godavery annicut; but on the sanction of the Supreme Government being requested to an outlay for this purpose, not exceeding 1,000 *l.*, it was refused, because the President in Council did not see what advantage could be gained by this project, although by its accomplishment the culture of cotton in the province of Berar would have been indefinitely extended for the consumption of the Manchester manufacturers, and the grain-producing districts in the

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Modification of the Councils.

delta of the river would have found access to markets from which they are now permanently excluded.

105. That this utter preclusion of all improvement to this Presidency, from the systematic obstructiveness of the Supreme Government, compels your Petitioners to request that in the arrangements of your Right honourable House for the future government of India, the Governor in Council at Madras may be allowed the free use of its functions, necessary for providing for the welfare and prosperity of the people entrusted to its care; and that its construction be modified after the precedent of the neighbouring Crown settlement of Ceylon, where the council is composed of official and non-official members, and, among the latter, natives of this country are included. That your Petitioners would suggest that this council be composed of officials and non-officials in equal number, six or seven of each; the former to be nominated by the Government, on taking their place at the council board in virtue of their office, the Advocate-general being one; and the latter to be selected by the Governor, out of a list of 18 or 21 persons, chosen by the votes of the ratepayers in Madras, and of persons eligible to serve on the grand and petty juries, or in such other manner as your Right honourable House may deem preferable: that as the official members, in conjunction with the casting vote of the Governor when requisite, could always carry any point of absolute importance, there could be no hindrance to the safe working of the suggested plan, while a sufficiency of information on all subjects would be afforded; which, together with the discussions being carried on, as at Ceylon, with open doors, could not fail to be of the utmost utility to the advancement and prosperity of the people and the Presidency.

106. That all minor subjects should be definitively determined by the Governor in Council; but, on all questions of importance, their decisions should be transmitted to the Government of India, there to be again publicly discussed, prior to sanction or rejection; and also that on any minor subject, determined by the casting vote of the Governor, there should be an appeal from the minority to the Supreme Council; and, as your Petitioners are aware that a more economical public expenditure is imperatively necessary, they would propose that the salary of the Governor be fixed at *Rs.*7,000 per mensem, and that the salaries of all persons composing what is now termed the covenanted service be reduced prospectively, in similar proportion; that the members of council shall draw no salary for that appointment, and that, as is now the case in Ceylon, the holders of official situations shall constitute the service, instead of an appointment by covenant, conveying a claim to be employed by the State exclusively to all others.

107. That, in the deliberate opinion of your Petitioners, legislative councils thus or similarly constituted, and entirely distinct from the executive, are as feasible on this continent as in the neighbouring island of Ceylon; and that their constitution is the great desideratum for the just and efficient government of each presidential division of the vast empire of British India; all general questions of political importance, involving peace and war, and the movements of the military and marine forces consequent thereon, together with the requisite but salutary control of the subordinate councils, being vested in the Supreme Government for all India. That a single council for the whole of India, although constituted on the same popular principle, would never be able to distribute justice and effective government to a hundred and twenty millions of people, spread over an area of upwards of a million and a quarter of square miles, and comprising so great a variety of races and languages; the more distant provinces, as is the case at present, would be neglected and oppressed; while the nearer ones would absorb all its attention, and engross the whole of its indulgence; whereas by granting to each Presidency a local government for the management of its internal affairs, the members of it would watch over the interests of the whole circuit committed to their charge; of which, from their local knowledge, they would be enabled, and from their sympathy would be induced, to seek and pursue the welfare and progressive improvement.

108. That with respect to the Supreme Council, your Petitioners suggest that it should, in some degree at least, partake of the popular element recommended to be embodied in the councils of the Presidencies, which should have their respective interests equally represented by a like number of members, the whole of whom should be allowed a reasonable and respectable salary, they being prohibited from holding any other office in conjunction with that of councillor; and that, besides the presidential representatives, there should be three others appointed from England, who, besides being members of the legislative council, should constitute the executive council, the Governor-General being the president of both; the executive of the subordinate Presidencies consisting of the Governor and the members *ex-officio* to the number of three, in addition to the president.

109. That your Petitioners, knowing from experience the inexpediency of the home administration by a Board of Control and a Court of Directors, from neither of which can the people obtain any redress, nor even the slightest notice of their petitions and memorials, would suggest the desirableness of fusing these two bodies into one, or of substituting another in their place, presided over by a Secretary of State for the Affairs of India, and having its chief secretary appointed by the Crown, so that it may be amenable to Parliament, as any other board or office, its president being a member of the Cabinet, and receiving the same salary as the Chief Secretaries of State in the other departments. That, as regards the members of this council, their qualifications and the mode of their appointments, your Petitioners have no suggestions to offer, beyond that of their having, at least one-half of them, some tangible interest connected with this country, as well as a general knowledge of its condition and requirements, obtained by a personal residence in the country during a specified

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specified term of years; the remainder, who have neither of these qualifications, to be recommended by intellectual ability and habits of business.

Employment of the Natives by the State.

110. That, in whatever manner the superior branches of the administration, both at home and abroad, may be modified,—and modified your Petitioners presume they must be, to suit the altered condition of men and things which has taken place in the lapse of the last 20 years,—justice to the masses of the people in general, and towards the more intelligent of them in particular, requires that the hitherto prevalent system of governing the country through the exclusive medium of a covenanted civil service should be, if not wholly, at least partially, abandoned, for the following reasons:

111. That young men under this privilege are sent to India, fresh from school, and without any knowledge of the world, without habits of business, or even the desire and intention to acquire them. Ignorant of the customs and language of the people, they are placed almost immediately on their arrival in India upon large allowances, in the position of assistant collectors and magistrates, and, being on a level with their superiors in office, as component parts of the same exclusive service, they consider their own ease and pleasure as the first advantage to be derived from their new situation, and look upon the zealous and proper discharge of their official functions, in promoting the benefit of the people, with the natural indifference of persons sure of their salaries and immunities by the simple fact of their first appointment from home.

112. That an assistant collector has generally placed under his immediate authority one or more divisions of the collectorate, termed talooks, within which he represents his superior, both as regards the collection of the revenue and the performance of magisterial duties; and, as a matter of unavoidable necessity, he is able to execute his functions solely by the instructions and assistance of the native moonshee or interpreter, without whom he would be utterly incapable of doing any business at all, as the said moonshee is obliged to advise and guide him on every point and occasion, his own functions being confined to deciding according to the dictates of the moonshee, and putting his signature to the different papers prepared by the latter; while, so well is it understood by the superior authority that the assistant is incapable of self-guidance, that his mistakes, when considered important enough for visitation, are furnished by the collector with the dismissal of the moonshee. The lamentable consequences of this ignorance, incapacity and negligence, on the part of each assistant collector, to some 150,000 of the native population, in the delay and denial of justice, and in the commission of injustice and oppression, are too numerous for detail by your Petitioners, and will be readily apprehended by the wisdom of your Right honourable House.

113. That the inefficiency and evils of this system would be most materially remedied if the educated and trained natives, now acting as proxies in the performance of the functions nominally assigned to these young and incompetent civilians, were placed, under their own personal responsibility, according to their fitness and qualifications, in all the subordinate branches of the revenue and judicial lines; and that very many are sufficiently qualified is proved from the facts, that they already perform the duties of such situations in the revenue department; and that in the judicial department, according to the trust reposed in them, they have been found, to say the least, fully equal to their superior European officers, as evidenced in the public testimony borne to their worth and ability by Sir Erskine Perry, late Chief Justice of Bombay, in his address at the Elphinstone Institution in the month of February, in the present year, in the following language: "All the civil business in the Company's courts is conducted, generally speaking, by native judges; they are what the French would call judges of the First Instance, and from their decisions appeals lie to the European judges, from whose judgments again an appeal lies to the Sudr Adawlut. It naturally follows that on these latter appeals a close comparison is made between the decision of the native and European functionary; and I learn from the judges of the Sudr Adawlut that it was publicly stated in open court by the two leading members of the Bombay bar, that, with a few distinguished exceptions, the decisions of the native judges were in every respect superior to those of the Europeans."

114. That the statistics of judicial business conducted in the Bengal Presidency, and printed for public information, also show that in the quantity and quality of the work performed the natives are on a par with the Europeans, and, could the statistics of Madras be come at by your Petitioners, they feel confident that the case would be the same; but, not being able to obtain access to these documents, they will quote the opinion of Mr. John Shepherd, Chairman of the honourable Court of Directors, delivered in a speech to the students at Haileybury, on the 15th of December, last year, as to the general capacity and competency of the natives: "Let me call your attention to the exertions making by the natives of India in the present day. European science and European literature are now studied in India, not only with diligence, but with success. The examinations on those subjects passed by native students show little, if any, inferiority in comparison with Europeans. They have become competitors on our own field of action, and on ground hitherto untrodden by them, and unless you sustain the race with additional zeal and energy, they may pass you. Should this occur—should the natives of India surpass us in intellectual vigour and qualifications, can we hope to remain long in possession of the powers and the privileges we now enjoy?—Certainly not."

115. That on the basis of these facts, and of the twofold admission of Sir Erskine Perry and Mr. John Shepherd, your Petitioners would represent that the natives, having already equalled the Europeans in the race of intellectual attainments, deserve, on the admission of the Chairman of the Court of Directors, to be admitted to some portion, at least, of "the powers and privileges" enjoyed by the young men educated at Haileybury; and upon the same

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same admission they desire the abolition of the college of Haileybury as a useless expense, and an unjust incubus on the finances of India; and that in its place the means of better education may be extended to this country, by the establishment of more complete and more useful institutions, including a fuller course of instruction, open to the natives of the soil, as well as to all who seek employment under Government, or to qualify themselves for the general pursuits of practical life.

116. That Haileybury either imparts a better education than can or would be given in this country, or it does not. If it does not, and it certainly cannot impart the same knowledge of the vernacular languages, the manners and the customs of the people, then the money required for its support is mispent, and thrown away. If it does, then it is manifestly unjust to confine that better education to as mall number of privileged persons, while it is invidiously withheld from the many, equally desirous, equally capable, and equally entitled to its participation, as the necessary means to enable them to avail themselves of section 87 of the Charter Act, which enacts that no native, or natural-born subject of Her Majesty, residing in British India, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the Government of the country. And your Petitioners therefore pray, that, whatever institutions shall be deemed requisite to educate persons for accession to Government employ may be established and maintained in India, so that the money derived from the revenues of the country, by which they are supported, may be spent within it; and that those who contribute to the revenue may in this instance enjoy the benefit of its expenditure, together with that advancement in the public service which the Chairman of the Court has pronounced to be the equitable reward of individual merit and acquirements.

Power of the Supreme Courts injuriously controlled by the Acts of the Legislative Council.

117. That your Petitioners would feel the present representation to your Right honourable House essentially deficient, were they to omit all notice of the inefficient condition in which Her Majesty's Supreme Courts of Judicature have been placed by a recent Act of the Legislative Council, styled "An Act for the Protection of Judicial Officers;" by which it is enacted, that no action for wrong or injury shall lie in the supreme court against any person whatsoever exercising a judicial office in the country courts, for any judgment, decree or order of the said courts, nor against any person for any act done by or in virtue of the order of the said courts; and that no judge, magistrate, justice of the peace, collector or other person acting judicially, shall be liable to be sued in any civil court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction; provided that he at the time, in good faith, believe himself to have jurisdiction to do the act complained of.

118. That your Petitioners have always understood that the establishment of Crown courts was intended the more effectually to secure the administration of justice, by checking the irregularities of frequent occurrence in the courts of the Company—an end that was attained so long as the misdoings of the Company's judges were amenable to the supreme courts of judicature at each Presidency; but this Legislative Act, by depriving those courts of the power entrusted to them by the Crown, operates as an encouragement and reward to malpractices and oppression, which are becoming numerous, especially in Bengal, since it passed into Indian law; the only punishment for which, when the wrong-doing is too flagrantly notorious to be openly tolerated, is the removal of the delinquent to a more lucrative situation.

119. That your Petitioners, under these unjust and oppressive circumstances, solicit the protection of your Right honourable House in the revision of this Act of protection for judicial delinquents, and the restoration of their original power to the courts of the Crown; as also that, for the better security of wise and impartial administration in the highest appellate court of the Company, one or other of Her Majesty's Judges may be President or Chief Judge in the court of Sudr Adawlut, in the room of a Company's servant, as is at present the case in the person of the senior member of council.

120. That your Petitioners likewise pray for redress against another enactment of the legislative council, which vests in a single magistrate the powers, formerly shared by two or more, to fine, imprison, and flagellate, at his discretion, as they consider the authority summarily to inflict these punishments is too great to be safely entrusted to one individual, especially as by the Protection Act all redress for injury or wrong inflicted is denied to the sufferer; but even if redress were attainable by instituting a suit in the Supreme Court, as was formerly the case, your Petitioners conceive that a check to the commission of evil is far preferable to the exaction of inadequate retribution after the evil has been perpetrated.

Nominal continuation of the present Charter.

121. That while your Petitioners extremely regret that, owing to want of sufficient time, and to the insufferable difficulty of obtaining access to official documents, they have been unable to exhibit so amply and definitely as they could desire, the vast number of major and minor grievances to which they are subject under the operation of the existing system of government, they earnestly entreat that those which they have thus imperfectly touched upon may meet with the patient consideration of your Right honourable House, as well as that the opportunity may be afforded of substantiating the facts they have submitted before an impartial commission of investigation and inquiry, assembled in India, composed of persons both in and out of public employ, and of Europeans and natives conjointly, chosen partly in Europe and partly in this country, as the sole means by which the real state of these territories, and the true condition of their population can be elicited; and that for the accomplishment of this object, the present Charter of the East India Company may be annually renewed till the investigation is completed.

122. That,

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Periodical Discussion of Indian Affairs.

122. That, in conclusion, your Petitioners would respectfully suggest that, whether the government of India be continued in the hands of the East India Company, or otherwise provided for, the new system, whatever it may be, shall be open to alteration and improvement from time to time, as the well-being of the country may require; and that the working of its internal administration may undergo at stated intervals—if practicable, triennially, but quinquennially at the latest—public inquiry and discussion in the Imperial Parliament, in order that the people of this vast and distant empire may have more frequent opportunities of representing whatever grievances they seek to have redressed, and that the local governments may be stimulated to the diligent execution of their functions, under the influence of a constant and efficient supervision of their conduct by the higher authorities at home.

And your Petitioners, as in duty bound, shall ever pray.

(signed) T. Ramatawmy M (*illegible*), Chairman.
M. V. Shunmoogavalloo Moodr.
D. Nagojee Row.
&c. &c. &c.

Madras,
10th December 1852.

PETITION, praying that in case of any Alteration being made in the Government of India, the Right of Choosing the Persons to compose such Body may be granted in such manner as may seem fit, amongst others, to the Holders resident in this Country of the Promissory Notes or Securities of the Government of India, of Retired Servants of the Honourable East India Company, Merchants and others.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The humble Petition of the undersigned, Retired Servants of the Honourable the East India Company, Merchants and others,

Showeth,

That your Petitioners are severally holders of promissory notes of the East India Company, granted from time to time by successive Governments of India, on occasion of raising money on loan for its service.

That your Petitioners have, for the most part, become possessed of such Government promissory notes during the course of a long residence in India, and while such residence has made your Petitioners practically acquainted with its affairs, and has given them a deep interest therein, your Petitioners show that the fact that they are creditors to a large amount of the Government of India, necessarily gives them a great stake in its financial prosperity and in its general well-being.

That much the greater part of the proprietors of East India stock have never resided in India, and are, therefore, for the most part less acquainted with Indian affairs than your Petitioners; and inasmuch as by the last Charter Act the dividends on East India stock are made the first charge on the revenues of India, the proprietors of such stock have by reason thereof only a nominal interest in its government.

That if it be the wisdom of Parliament to commit the Government of India to a body (more or less numerous) having the same or similar functions to those of the present Court of Directors of the East India Company, it is expedient that such body should be chosen by a constituency more extended in its character than the present proprietors of stock of the East India Company, and having a real instead of a nominal stake in the welfare of India, and especially by a constituency more qualified than the present to judge of the qualifications of the candidates.

That your Petitioners further believe that the granting to the holders of promissory notes of the Government of India the right of voting in the choice of Directors, will improve the value of the securities of the Indian Government, and will enable it to borrow money at a more easy rate.

Your Petitioners therefore humbly pray your Right honourable House, that should it be deemed expedient in any future arrangements to be made for the Government of India that such Government should be vested wholly or partially in a body constituted like the present Court of Directors of the East India Company, the right of choosing the persons to compose such body may be granted, in such manner as to the wisdom of Parliament may seem fit, amongst others, to the holders resident in this country of the promissory notes or securities of the Government of India.

(signed) John Morgan, Col. C. B., Madras Establishment.
[And 25 others.]

Appendix D.

PETITION, that the Period of Existence for any future Government of India be limited to Ten Years, of MEMBERS of the BOMBAY ASSOCIATION, and other Native Inhabitants of the PRESIDENCY of BOMBAY.

To the Right Honourable the Lords Spiritual and Temporal of Great Britain and Ireland, in Parliament assembled;

The humble Petition of the MEMBERS of the BOMBAY ASSOCIATION, and other Native Inhabitants of the Presidency of Bombay.

Showeth,

THAT the nature, constitution, and practical working of the Indian Government being now under the consideration of Parliament, your Petitioners beg respectfully to lay before your Honourable House the views which your Petitioners have formed with respect to the existing system of government, and some of the improvements of which it is susceptible.

2. Your Petitioners are fully sensible of, and are glad to acknowledge, the many blessings they enjoy under the British rule; but these they attribute to the British character rather than to the plan of government which it has hitherto been deemed expedient to provide for India, and which, being the result of circumstances and not of design, is but little suited to the present state of the country, and to the fair demands of the people of India.

3. Even the 3d & 4th Will. 4, c. 85, under which India is now governed, intituled, "An Act for effecting an Arrangement with the East India Company, and for the better "Government of His Majesty's Indian Territories, till the 30th day of April 1854," was confessedly a concession of principles, in order thereby to effect the final settlement of complicated questions of property, and to obtain the relinquishment, by the East India Company, of certain exclusive rights of trading secured by Royal Charter; and the correspondence between the Board of Control and the Directors of the East India Company, contained in the 17th volume of the "Papers" (printed in 1833 by order of the Court of Directors) "respecting the negotiation with His Majesty's Ministers on the subject of the East India "Company's Charter," clearly establishes that it was fully understood at that time on both sides that the nature of the arrangements for the future government of India was to remain an open question.

4. The formation, therefore, of a good system of government for the millions of peaceful and loyal British Indian subjects, being now for the first time freed from all antecedent difficulties connected with the acquisitions, rights and position of the East India Company, and resolving itself, as it now does, simply into a question, how can India best be governed? your Petitioners believe that it will be found easy by your honourable House to devise a constitution for India, which, while it shall contain all the good elements of the existing system, shall be less cumbersome, less exclusive, less secret, more directly responsible, and infinitely more efficient and more acceptable to the governed.

5. Your Petitioners need not point out to your honourable House the nature of the Home Government under the present arrangement; but whilst in theory, and doubtless to a very great extent in practice, it consists of a Minister of the Crown, aided by a Court of twenty-four persons, many, though not all, of whom have passed through an Indian career, yet, according to very high authority, the views of the Court of Directors can be put aside by the Minister at pleasure, and the former be forced, in their own names, and as their own act, to issue orders to the local Government to which they are entirely opposed.

6. The Right honourable the Earl of Ellenborough, in the evidence recently given by him before a Committee appointed by the late Parliament to inquire into East Indian affairs, is represented to have stated that he did not know by whom India was in general governed; that it seemed to be so in general by a parcel of clever clerks; that when he, Lord Ellenborough, was chairman, he governed the country himself, and on his own responsibility; and that he did not think of taking counsel with his brother Ministers, or advising with any member of the Court of Directors as to the course to be pursued. The following question was put to Mr. Courtenay, Secretary to the Board of Control from 1812 to 1830, by the Select Committee appointed by Parliament in 1832:—

"Has the existence of these co-ordinate authorities, in their several relations to each "other, tended, in your opinion, to promote the despatch of public business, or otherwise?" His answer was, "To retard it in a most extraordinary degree; and, in retarding it, to "make the whole more unsatisfactory. The length of time that elapses between an "occurrence in India which is the subject of a despatch, and the receipt in India of the "opinions of the home authorities thereupon, is necessarily very considerable under any "circumstances; some not inconsiderable time must be taken up in England in preparing

"an

"an answer to the despatches; but the time is increased in an immense proportion by the "necessity of every despatch going through the two establishments, being in many cases "the subject of lengthened controversy between them."

The inutility and inefficiency of two such clashing authorities as the Court of Directors and the Board of Control, are thus described by Mill in his "History of India:"—

"If the whole power of Government is necessary for the Board of Control, what use is "there for another governing body, without powers? This is to have two governing bodies, "the one real, the other only in show. Of this species of duplication, the effect is to lessen "the chances for good government, increase the chance for bad; to weaken all the motives "for application, honesty and zeal in the body vested with power, and to furnish it with an "ample screen, behind which its love of ease, power, lucre and vengeance may be gratified "more safely at the expense of its trust."

7. It is, moreover, commonly asserted and believed that some of the most important events which have occurred during the existing Government of India, attended with an enormous drain on the revenues of the country, have been ordered by the Board of Control, in opposition to the express wishes of the Court of Directors.

8. Your Petitioners therefore submit that an Indian Council, not placed under a Minister of the Crown, but of which the latter should form the President, and be directly responsible to Parliament, would form a more simple, efficient and responsible Home Government than that now existing.

9. Whether the members of this Board should consist of 12 or 24 persons, by what title they should be designated, how many of them should be nominated by the Crown, and how many elected, and by whom elected, how they should be remunerated, and how and when displaced, are details on which it is quite unnecessary for your Petitioners to offer an opinion to your Honourable House, beyond this, that your Petitioners would suggest that the remuneration attached to a seat at the Board should be such as to secure the services of the most able men of the day; and that, with the exception of the Minister of the Crown, a previous residence in India should be an indispensable qualification for office.

10. Your Petitioners would further suggest, that the elective body should be composed of persons having a real and substantial interest in the good government of the country.

11. With reference to the local Governments, your Petitioners conceive that they are conducted, under the existing system, with a secrecy which, however justifiable and necessary in the early days of the British rule, is not at all called for in the present day; and, on the contrary, is most injurious to the character and best interests of the Government itself, and most unsatisfactory to the governed.

12. Your Petitioners would also point out that the efficiency of the local Governments of Madras and Bombay, under the existing law, is very much impaired, and the despatch of public business considerably retarded, by the necessity for continual reference to the Supreme Government at Calcutta, for its sanction for the most trifling matters; and changes recommended by the local Government, and supported by the authority of its experience, are frequently rejected by the supreme power, with no local knowledge to guide its decisions.

13. That this would be the effect of centralizing all legislative and so much executive power in the Governor-General of India in Council, was foreseen and expressed by the East India Company in a Petition presented by them to your Honourable House in the course of the discussions on the present Charter Act. Their words are as follows: "Your "Petitioners further humbly represent, that the said Bill proposes to effect a serious change "in the constitution of the local Governments in India, which, in the judgment of your "Petitioners, will, if adopted, place an excessive power in the hands of the Governor-"General, and prejudicially diminish the power and influence of the Governments of Madras "and Bombay." The experience of the last 18 years has completely verified the truth of the above prediction.

14. Your Petitioners submit that the cost of administration in India is unnecessarily great, and considerable reductions might be made, without the slightest detriment or injury to any one, save the patrons or expectants of office, by abolishing sinecure offices, and retrenching the exorbitant salaries of many highly-paid offices, whose duties are so trifling, or involve, comparatively, so little labour or responsibility, that they might with advantage be amalgamated with other offices, or remunerated in a manner commensurate with the nature of the duties to be performed.

15. Your Petitioners respectfully submit that the time has arrived when the Natives of India are entitled to a much larger share than they have hitherto had in the administration of the affairs of their country, and that the councils of the local Governments should, in matters of general policy and legislation, be opened, so as to admit of respectable and intelligent natives taking a part in the discussion of matters of general interest to the country, as suggested by Lords Ellenborough, Elphinstone and others.

16. It is often alleged that the Natives are incompetent to fill high situations. Similar objections were raised by the Court of Directors, in 1832, to the appointment of Natives to the offices of Justice of the Peace and Grand Juror, when a Bill relative to such appointments was proposed to be submitted to Parliament by the Right honourable Charles

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Grant, M. P., then President of the Board of Control, and now Lord Glenelg. That eminent statesman, in his correspondence with the Chairman and Deputy Chairman of the East India Company on the above subject, bears the following testimony to the qualifications of Natives for service under Government, in a letter dated 6 March 1832:—"In the pursuits "of private life, as well as in those branches of the public service in which they have "hitherto been permitted to engage, the Natives of India have evinced no deficiency, either "in habits of application to business, or in the skill and acuteness required for its success-"ful prosecution; nor can it be maintained that they are insensible to that stimulus to "exertion which arises from the hope of honourable distinction. Those Natives who are "entrusted with the administration of justice, and the collection of the revenue in the interior, "qualify themselves for those duties by studying the Regulations of the Government under "which they are to act. Why, then, should we anticipate a different result in the case "now under consideration?" The result of the appointment of Natives to the distinction of Justices of the Peace and Grand Jurors, your Petitioners believe they may safely assert, has fully realised the expectations which seem to have been formed regarding the measure by the distinguished statesman from whom it emanated; they have honourably filled their offices, and performed their duties, equally with their European colleagues, with much advantage to the public interests concerned. Sir Erskine Perry also, the Chief Justice of Bombay, when presiding in his capacity of President of the Board of Education, at a public meeting held in the Town-hall of Bombay, on the 9th February 1852, expressed himself as follows, in respect to the administration of justice, as exercised by Native functionaries in the interior of this Presidency:—

"All the civil business in the Company's Courts is in the first stage conducted, speaking "generally, by Native judges; they are what the French would call Judges of the First "Instance, and from their decisions appeals lie to European judges, from whose judgments, "again, an appeal lies to the Sudder Adawlut. It naturally follows that on these latter "appeals a close comparison is made between the decisions of the Native and European "functionary. Now I learn from the Judges of the Sudder Adawlut that it was publicly "stated in open Court by two leading members of the Bombay Bar, that, with a few distin-"guished exceptions, the decisions of the Native judges were in every respect superior to "those of the Europeans."

The above testimony of distinguished individuals, to which might be added many others of a similar character, will, your Petitioners hope, remove any impression which may exist as to the sometimes alleged unfitness of Natives for situations of trust and responsibility in the service of the State. Experience hitherto has shown a result directly opposed to such impressions: and in the present advanced state of the Native mind, compared with what it was when the last discussions on the Charter of the East India Company took place 20 years ago, it is not too much to presume, judging from the past, that the further advancement of Natives to more important offices will be followed by equally favourable results.

A Native judge in the Small Cause Court at Calcutta, and a Native magistrate in the same city, are admitted on all hands to conduct their duties most satisfactorily; but no such appointments have been made in this Presidency, nor, as your Petitioners believe, in Madras.

17. Your Petitioners would further observe, that the 87th section of the 4th & 5th Will. 4, c. 85, which declares that no Native of India or natural-born subject therein, shall be disqualified from office by reason only of religion, place of birth, descent, or colour, has hitherto remained nearly a dead letter; and it is for your Honourable House to make due provisions for the more extensive employment of Natives of India suitably qualified for the Government service, and for their elevation to the highest offices of the State.

18. With respect to the administration of the Government itself, it is, perhaps, unnecessary to remind your Honourable House, that every civil post, of any value or importance, throughout the territories, is filled by a privileged and exclusive service, called the Covenanted Civil Service of the East India Company.

19. Your Petitioners admit that the 103d and five following sections of the 4th & 5th Will. 4, c. 85, contain the outline of provisions adapted to secure an honourable, and, on the whole, efficient body of servants for very many offices under the Indian Government; but although the students of Haileybury College are, by virtue of the above clauses, to undergo examination, the incompetent, as well as the competent, have equally the Parliamentary right "to supply the vacancies in the civil establishments in India."

20. It must be apparent to your honourable House, that the education given at Haileybury College does not, and cannot, qualify a young man to administer the law, civil and criminal, Hindoo and Mahomedan, to a whole district; and yet no provisions exist, either in England or in India, for carrying on the education of the civil servants intended for judicial employment, nor are they required or expected to prepare themselves for the judicial office by any previous study.

21. Once admitted to the service, they rise by seniority, whether industrious or idle, competent or incompetent; and they are transferred from one department to another, without due consideration of their aptitude or previous experience; the Judicial sends its members to the Revenue department, and the Revenue to the Judicial. Unlike the officers of the army, they are practically exempt, except in cases of extreme delinquency, from all fear of punishment for incompetence or misconduct. Regarded as the privileged governors of the country,

country, and claiming all the important offices under Government as of right, the gravest errors are only visited with expostulation, or at most with a removal from one office to another, whilst the local Governments are debarred from availing themselves of European and native talent at hand, simply because the possessor is not one of the privileged order.

22. So long as the present exclusive system of employ shall continue to exist, it is manifest that it will be impossible to secure the greatest efficiency in any one department of the Government; whilst the courts of justice will, as a general rule, be handed over, as at present, to those who have shown themselves the least qualified to collect the revenue of the State. The result of placing judicial power in the hands of those not trained, or by nature qualified to exercise it, is, that in order, as far as possible, to prevent injustice, it is necessary to allow a number of appeals and reviews; and thus, under the system of Mofussil judicature, a final decision in civil suits is often not obtained under ten years, and rarely before three years. Then the litigation in the Company's courts, where a large amount is in dispute, is of the most expensive character, owing to the heavy stamps to which all law proceedings in the Mofussil are subject; and thus, from delay, expense and inefficient judges, the administration of the law in the Company's Courts is altogether of a most unsatisfactory nature; and no department of the Indian Government calls more loudly for reform.

23. Your Petitioners would respectfully suggest, that if a Parliamentary service having a right to exclusive civil employ is to be retained for India, its sphere of office should be confined to the discharge of strictly revenue, financial and political duties; and that the system of seniority and right of promotion, involving, as now in operation, frequent and most inconvenient transfers of officers from one department to another, should be abolished, and that public merit should be the only avowed principle of promotion; and further, that a high standard of qualification should be exacted from all who are appointed to judicial offices in India.

24. Your Petitioners would moreover add, that the Indian Civil Service now costs the Government 3,500,000 *l.* sterling, each officer receiving on an average 1,750 *l.* per annum, from youths just arrived in India to the highest grade. These salaries are adequate to command the very highest political, financial and judicial talent, and impose on the Government the moral obligation of providing the best servants for the Indian Government.

25. But your Petitioners submit that the salaries paid to the Indian Civil servants are excessive. Your Petitioners see it stated before the Select Committee of the House of Commons, that the public service is most ably conducted by members of the Native Uncovenanted Branch, at a mere fraction of the charge of Covenanted servants; that a much greater number of Natives ought to be employed than at present, the general conduct of Native officials being most exemplary.

26. There are numerous offices under the Government, the Post-office for example, in which the head of the department must necessarily be to a great extent inefficient, from want of training for the discharge of his duties, and dependent therefore on his subordinates. They are held for some transient period, so that there is little inducement for the most conscientious men to study the duties of the office. Within the last ten years there have been eight different Postmasters at this Presidency, drawing between 2,000 *l.* and 3,000 *l.* a year, while the work has been chiefly performed by a deputy receiving 700 *l.* per annum; and the Post-office as a system is believed to be infinitely below what it would have been had a qualified person been sent out from England to take permanent charge of it.

27. Your Petitioners, whilst on this subject, cannot forbear calling the attention of your Honourable House to the opinions of the East Indian Company on the best means of providing good servants for the Indian Government, as expressed in the Petition presented by them to Parliament in 1833, and which, your Petitioners submit, deserve great consideration:—

"Throughout the correspondence which has passed with His Majesty's Ministers, your "Petitioners have declared upon this point that the arrangement which shall not effectually "provide the means of giving Government servants to the Indian Empire, is that which shall "assuredly meet the views of the Court, whatever its effects may be on their patronage: and "it is because your Petitioners are deliberately convinced that efficiency will be more likely "to be obtained in a general system of education, brought to the standard of a high test "of examination, than in any exclusive system, that the Court confidently ask your Honour-"able House to abolish the College."

28. Your Petitioners now beg to represent to your Honourable House, the extreme deficiency of the means of internal communication in this Presidency; that this want discourages increase of production, by shutting out the producers from any remunerative market, and prevents, in periods of distress, the scarcity of one district being mitigated by the plenty in another. Instances are recorded wherein the supplies designed to relieve famine in a district were, in the course of transit, consumed before they reached their destination. Were this obstruction to the industry and resources of the country taken off, by the construction of railways, roads, piers, wharves and other useful works, large tracts of land now lying waste, more particularly in the cotton districts, would be put under cultivation, and the supply of this most important article of export to Great Britain would be increased at least tenfold. Your Petitioners beg leave to quote, in corroboration, a passage from a Memorial

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Memorial addressed by the leading Merchants and Bankers of Bombay to the present Governor-General of India in 1850:—

"So miserably inadequate are the means of communication in the interior, that many "valuable articles of produce are, for want of carriage and a market, often left to perish "in the field, while the cost of those which do find their way to this port is enormously "enhanced, to the extent, sometimes, of 200 per cent.; considerable quantities never "reach their destination at all, and the quality of the remainder is almost universally "deteriorated."

Several able letters, addressed to the Editor of the London "Times," in November and December 1850, and again in September 1851, by a distinguished Engineer Officer of the Bombay army, clearly point out the deficiency of the present means of communication in the interior, and particularly in Gujarat, and to which your Petitioners would solicit the earnest consideration of your Honourable House.

29. Your Petitioners suggest that five per cent. of the amount of land revenue should be annually expended in the district whence it is levied, in making roads, bridges, tanks and other works of similar utility. All such expenditure would be speedily repaid in the increased revenue arising from the impulse given to production, by opening up new markets for the sale of produce. Your Petitioners observe that this most important recommendation has been made repeatedly to the local and Supreme Governments here by some of its most eminent and experienced officers, but they have learnt, with deep regret, that it has been as frequently set aside by the Home Authorities.

30. Your Petitioners would further observe, that the Government grant of 12,500 *l.* for educational purposes, is quite inadequate to the wants of this Presidency, with its population of upwards of 10,000,000, and yielding a net land revenue of 1,028,285 *l.* Your Petitioners beg to draw the special attention of your Honourable House to this subject, and believe that all the reforms and all the improvements sought for, or in the power of your Honourable House to make, are but secondary in importance compared with the necessity of introducing a complete system of education for the masses of the people. That such expenditure would eventually increase the revenues of the country, both by teaching the people new and better modes of production, as well as habits of economy and prudence, cannot be doubted; and your Petitioners would suggest the propriety of establishing in each Presidency an University, after Mr. Cameron's plan, for the purpose of qualifying persons to practise in the various professions, and rendering them eligible for Government employment.

31. Your Petitioners, therefore, humbly pray your Honourable House to embody in any measure of legislation which may come before you for the future government of India, the principles hereinbefore set forth; and that your Honourable House will not rest content, but adjourn the final settlement of the plan of the Indian Government until all available information from trustworthy, competent, and disinterested sources has been laid before you: and your Petitioners venture to hope that your Honourable House will limit the period of existence for any future Government of India to 10 years, in order that the interests of so many millions of British subjects may be more frequently brought under the consideration of Parliament.

And your Petitioners, as in duty bound, will ever pray.

Bombay,
28th October 1852.

(Signed by 106 Natives.)

PETITION,

PETITION, praying for Inquiry into the Renewal of the Act for the GOVERNMENT of INDIAN TERRITORIES, and for AMELIORATIONS and REFORMS, of British and other Christian Inhabitants of CALCUTTA, and the neighbouring Parts, in the Lower Provinces of BENGAL.

To the Right Honourable the Lords Spiritual and Temporal, of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned British and other Christian Inhabitants of Calcutta, and the neighbouring Parts, in the Lower Provinces of Bengal;

Humbly showeth,

1. THAT your Petitioners feel themselves called upon, by the approaching period for the renewal of arrangements for the future government of India, to convey to your Honourable House some expression of their opinion with reference to those arrangements.

OBJECTS OF THE LAST CHARTER ACT NOT CARRIED OUT.

That your Petitioners advert with satisfaction to the provisions of the last Charter Act, especially when read in connexion with the historical evidence of the intentions and objects of Parliament; that reading the Charter Act by this light, a distinction palpably arises between those objects which were completely established by the Act of Parliament, such, for example, as the abolition of the trading powers of the East India Company, and those which, for any reason, were left to the good faith of the Government to realize. With respect to the latter class, your Petitioners beg to express very great disappointment, for although the Government was furnished by the Charter Act with new powers and machinery to accomplish what then appeared, and whatever in future might appear desirable, many of the intentions of Parliament remain neglected: thus, for example, no means have been taken to form for India a properly qualified body of judges, or to open the judicial service to qualified persons, though the want was demonstrated by a large body of evidence before Committees of the Houses of Parliament. The criminal laws of the East India Company's courts, in their application to natives, were condemned fifteen years ago by the Indian Law Commission, which was appointed, under a direction in the Charter Act, to inquire into the state of the laws; but the criminal laws remain for the most part unchanged. In a spirit generally deemed as impolitic as illiberal, the Government has repeatedly proposed to bring British people under these laws, though so declared unjust towards the natives who were accustomed to them. The want, in the East India Company's courts of law, adapted to the requirements of trade and commerce is well known; the English law could furnish an equitable commercial code; but English law is excluded from these courts, and no other rational system has been enjoined upon or adopted by them, although the Charter Act expressly directs the preparation of laws adapted to all classes of the public. The great want in the courts of the East India Company of a body of laws, both civil and criminal, for the East Indians, to whom as Christians the native laws were not justly applicable, was specially brought under the consideration of Parliament, and the peculiar hardship of the case drew forth the sympathy of several eminent men. Practical relief has been proposed to Government by the Indian Law Commission, under the name of a Lex Loci Act, but relief has not been given. Parliament abolished all disabilities for office or public employment by reason of race, creed, colour or origin; but distinctions are maintained in administration between previously excluded classes and the privileged classes, which place the former in a state of official and social degradation. The state of the police is as bad as before the last Charter Act, and it is no protection to the people: other instances might be given, and hence your Petitioners express their disappointment, and have again to bring these subjects, together with others, under the consideration of Parliament.

STATE OF THE LAW AND COURTS; SUBJECT DIVIDED.

2. That your Petitioners first beg to bring under the consideration of your Honourable House the state of the law; and in connexion with this, the state of the courts of justice, as respects both their executive and judicial functions. On a moment's reflection the close connexion of these subjects is apparent: if a bad state of the law be supposed, it is impossible to conclude otherwise than that ill effects must result, though the judiciary body were meritorious; and equally clear is it that good laws must in a degree fail, if the judges are deficient in knowledge, skill, honesty or other proper judiciary qualifications; and good

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laws and good judges together must always depend, in a considerable degree, for practical success on the character of the executive officers and establishments; the necessity therefore is apparent of keeping all these subjects in view together, or as parts of one whole.

LAW OF THE SUPREME COURT.

With respect to the law, it will be necessary to distinguish what it is in Calcutta and the Supreme Court, from what it is in the country beyond, and courts of the East India Company. In the Supreme Court, three different codes of law are established, English law for British subjects, and Hindoo and Mahometan law for Hindoos and Mahometans on civil matters; but English criminal law for all classes, natives, British and foreigners, who are inhabitants of Calcutta; and for nearly 80 years these different codes have been administered by this one court, generally with satisfaction to these different races, thereby establishing the important fact, that judges practically qualified in English law become qualified for the native system of law, to which they are originally strangers, and presenting, as will hereafter appear, a striking contrast to the East India Company's judges; and although it may be admitted that the Supreme Court has an extent of jurisdiction geographically inconvenient, the remark has no application to the law of the court; but the blame rests with the Government, which has done nothing towards supplying other courts, or making the East India Company's courts competent to take part of the jurisdiction of the Supreme Court as respects British subjects.

LAW OF THE EAST INDIA COMPANY'S COURTS.

That the law in the East India Company's courts is on matters of succession, inheritance, marriage, caste, and religious usages and institutions, the Hindoo and Mahometan law for Hindoos and Mahometans respectively, with the addition of a body of regulations and acts chiefly relating to procedure and revenue, and in which is prescribed this general rule as to all other matters, namely, that the courts shall decide according to justice, equity and good conscience, in cases not provided for by the said regulations and acts; but the regulation which prescribes this rule is not accompanied by a code of equity, nor any maxims or principles, but has left it to the courts to work out a system of equitable jurisprudence, which, after 60 years, they have not done, nor begun to do; and to the present day, the supplementary provision for equity remains a barren verbal rule, which may confidently be described as having no effect beyond that of giving the judges of all degrees and castes, Hindoos, Mahometans and English, a discretion which they are incapable of wisely exercising, and thereby rendering all rights and the result of all litigation in these courts extremely uncertain. The cases to which this remark applies are all cases on contracts of all kinds, including sale, hiring, partnership, and in short all business arising out of commerce and dealing in which British people and interests are concerned. That the laws above mentioned are the only civil laws administered in the courts of the East India Company, and thus it clearly appears that the civil law administered in those courts is most defective.

PROCEDURE OF THE EAST INDIA COMPANY'S COURTS.

That the law of procedure is in as unsatisfactory a state as the other parts of the law. From repeated and numberless alterations, and the peculiar form of many of them, the code itself is obscure, confused, and of uncertain meaning. That by practice and construction it has acquired a highly technical character, as is evident from the printed decisions of the courts, and the very large proportion of cases on questions of form. In the courts of every degree, suits of all kinds, and all amounts (except where the revenue is directly or indirectly concerned), are conducted by means of written pleadings, consisting of a plaint, answer, replication and rejoinder, and no security is taken for truth in pleading. At each step time is necessarily given to the adverse party, and a decision may be followed by two, and in some cases by three appeals. The procedure, therefore, is slow and dilatory. That your Petitioners, having now experience of both systems, can confidently state that the reformed procedure of English law is more simple and expeditious, and more conducive, by its greater variety of resources, to the ends of substantive justice.

That the appeals (already alluded to) are permitted to an extent unparalleled in any other system of law, on the ground avowedly of distrust of the courts. That formerly the petty courts of moonsiffs and sudder ameens were partially excepted from this system; but by a recent Act it has been extended to them, and, consequently, the petty dealer who may have to sue a poor ryot for 5 *s.* must not only sue by a written petition or plaint, but may have his suit dismissed, after two months, for want of a replication; and a decision, either for plaintiff or defendant, may be followed by two appeals; and thus it appears that the East India Company have no courts analogous to the Court of Small Causes in Calcutta, or to the County Courts in England, with a partial exception as above, where the revenue is supposed to be concerned.

That evidence in all the courts is required to be taken in writing, which leads to the practice of its being taken by a native clerk often out of hearing of the judge, who may be engaged in other business, and decides on the evidence thus taken on reading it, or its being read to him; but the officers are notorious for tampering with the evidence, and those

who

who are personally acquainted with the country very generally complain of abuses, and condemn this mode of taking evidence.

That, in connexion with this subject, the legal agency established in the courts should be mentioned, as aggravating all the faults of the system. It is carried on by means of persons called, according to their different branches of the business, mookteārs (managers), vakeels (attorneys), and pleaders; a body of men generally (in the Inferior Courts) belonging to the dregs of native society, who are notorious for the most wicked practices which can be used in their business, a pest to the courts, and a cause of the corruption of the people to whom they minister.

STAMP DUTIES.

That, to the evils already enumerated, your Petitioners have to add a heavy taxation on all law proceedings by means of the obligation of using stamped paper, which rises, in a series of duties, in all regular actions, from 2 *s.* to 200 *l.* on plaints or petitions alone, and admits of no exceptions, even for the smallest debt or demand, and waylays the suitors at every subsequent step, and obliges the judge to stop his speech, or that of his pleader, with the question, "Where is your stamped paper?" and will not permit the reception of the evidence of a witness until after an application on stamped paper of 2 *s.* or 4 *s.* each; and, if the proof consists of a series of letters, imposes on each letter a stamp of 2 *s.*; and an error in a stamp is often irremediable, and the constant cause of nonsuits and other failures of justice. That the stamp duties are still more vexatious and impolitic in criminal proceedings. That your Petitioners represent these details to show that the system is not less oppressive than that of the taxes on law abolished in England at the united call of justice, humanity, and all general reasons.

COURTS OF THE EAST INDIA COMPANY'S NATIVE JUDGES.

As respects the courts of the East India Company, the Civil Courts, having an original jurisdiction, differ so widely from those having only an appellate jurisdiction, that it is necessary to premise this distinction between them.

That before the last Charter Act, the natives had been entirely removed from civil judicature (except as to debts of 5 *l.*), on account of their universal corruption. Since the last Charter Act, they have been restored to, and are almost in exclusive possession of all original jurisdiction. The judges having original jurisdiction are of three grades: (1.) Moonsiffs (dispensers of justice); (2.) Sudder Ameens (chief commissioners); and, (3.) Principal Sudder Ameens. The jurisdiction of the first class extending to 30 *l.*, of the second to 100 *l.*, and of the third to all amounts beyond; and, in amount, many suits are not surpassed in the Courts of Equity or Law in Westminster Hall. The moonsiffs, sudder ameens and principal sudder ameens, in the Lower Provinces, consist of about 320 persons, of whom there are, at present, not more than one-fifteenth of Christian denomination. That the natives first appointed to those offices on the change of system were, for the most part, the officers (amlahs) of the existing courts, a body of persons notorious for corruption; and, their salary being small, the practice of corruption for several years, if not to the present time, prevailed probably to nearly an equal extent, though in a different form, as in Mahometan times, when the salary was a mere honorarium or retaining fee, and the real reward was in the wages of corruption. It is notorious that, after holding office for a few years, large estates or fortunes were amassed by many of them, and others lived in the display of affluence.

That the salaries of these classes, though slightly raised, are in no fair proportion to the importance of their offices and jurisdiction. The moonsiffs receive 120 *l.*, and a few 180 *l.* per annum; the sudder ameens 250 *l.* per annum, and the principal sudder ameens 480 *l.*, and a few, after long service, 700 *l.* per annum. Such salaries indicate a low appreciation on the part of the Government of the judicial office, as well as of the personal status of the officials themselves; and in fact they do generally belong to an inferior grade of native society, and are without any proper legal knowledge or professional training, for it is impossible to regard as such the little knowledge requisite to pass an examination.

That your Petitioners are fully sensible of the difficulty of establishing charges of corruption, and they make them with reluctance; but the proof, recognition or acknowledgment of the fact must precede an attempt to remove or correct the evil. As some corroboration, your Petitioners beg to state, that corrupt practices were charged against these courts in a memorial to the Bengal Government within the last eighteen months, which was signed by a very respectable body of British and other Christian inhabitants of different parts of the Lower Provinces, including some Calcutta firms largely interested in silk and indigo, and other mofussil concerns; that the means taken by the Government to ascertain the truth of the complaint were, as your Petitioners are informed, the requisition of a report on the subject from the civil service judges, and the conclusion was, not the exculpation of the courts, but a general report that they were improved.

That the Government has ever lent an unwilling ear to representations of this kind, and has taken utterly futile means of effecting a reformation. Small remedies of a topical kind manifestly must fail. One of the latest may be cited as an example of the spirit in which the Government has dealt with the enormous evil. As an inducement to merit, and to counteract the force of temptation, Government has within a few years made it a rule to fill up the higher grade of principal sudder ameen from the lower grades by promotion. The bright motive and reward thus held out to purity is just one chance for one out of from six to eight persons,

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persons, and of promotion from 180*l.* or 300*l.* to 480*l.* per annum, and which chance can occur only once in 10 or 12 years, there being but one principal sudder ameen in each zillah, and from six to eight moonsiffs and one sudder ameen; and it may be added, that if this could possibly avail in a small degree, it has a counterbalancing evil, namely, of confining the important office of principal sudder ameen to the class of persons who can accept, in the first instance, a very inferior office, and a salary of 120*l.* per annum, and, presumably, therefore, the rule of promotion excludes all persons qualified by legal and general education. It is obvious, also, that it leaves the principal sudder ameen without any inducement, although the higher office of a judge of appeal might have been opened to this class, and, presumably, it is better qualified for an appellate jurisdiction than the class of civil service judges, who, under existing arrangements, have no original jurisdiction, and whose training and experience do not qualify them to correct the inferior civil tribunals.

That your Petitioners deprecate being supposed to impute to natives any want of capacity to acquire the proper legal qualifications, or to rise to a proper standard of morals, but they describe what they believe to be the state of facts at present.

CIVIL SERVICE JUDGES.

The appellate jurisdiction in civil cases has next to be described. It is almost exclusively exercised by the civil service judges, of whom there is one in each zillah, who is chiefly a criminal judge (called, in the latter capacity, sessions judge), but also a civil judge for appeals up to 500 *l.*, beyond which sum the appeal lies to a court (the Sudder Dewanny Adawlut), composed of five civil service judges. These five judges together receive in salary a sum exceeding the aggregate salaries of all the moonsiffs in the Lower Provinces; and, added to the zillah judges, the entire body consists of 37 persons, who received 120,000 *l.* in the year in which the salaries of moonsiffs, sudder ameens and principal sudder ameens amounted only to 55,000 *l.*, a striking contrast of the care with which this class has been guarded at one of the avenues of temptation; and your Petitioners readily admit their general abstinence from the practice of corruption of every kind, but more than this negative praise cannot be awarded to them; and your Petitioners confidently represent, that their administration of justice is the subject of universal complaint and dissatisfaction, and which are founded, as your Petitioners believe, on experience of their want of proper qualifications, and the bad quality of their decisions. And although it would be impossible to justify this opinion in detail in a petition, the few following facts may be mentioned; namely, that they come to India and are appointed to the judicial office without professional qualifications; that, for 60 years, they have been in exclusive possession of the whole, or some important part, of the administration of justice, and yet have furnished the inferior courts with no body of general rules or principles; that, though required to follow equity, they have built up no system of equitable jurisprudence, but the inferior courts still possess only the barren verbal rule expressed in the regulations; that, by "Circular Orders" and "Constructions" the sudder courts have prescribed rules, and legislated somewhat as the Emperors did by their rescripts, but these "Orders" and "Constructions" are among the worst parts of the law, and have increased its uncertainty and the difficulties of all the inferior judges; and lastly, that for some years the decisions of these courts have been printed, and form a considerable body, but they are obscure and uninstructive: by all these circumstances (and others might be adduced) may be proved, that the civil service judges want the proper qualifications for judges, and the public dissatisfaction be justified.

OPINIONS OF BRITISH INHABITANTS.

That, in consequence of this state of the law in the courts of the East India Company, and of the courts themselves, the British inhabitants offered a strong opposition to the Act passed in 1836, and which has been followed by others, for bringing them under the civil jurisdiction of those courts; but, to reconcile them to it, the public was assured by the organs of Government that the law and courts would be improved, if from no other cause, from the necessity of conforming to a more certain and higher standard of right, in order to satisfy British suitors; but this assurance has not been fulfilled, and the bad state of the law and the courts of the East India Company forms one great disadvantage, against which British enterprise and character has to struggle in India.

THE CRIMINAL LAW.

That the criminal law of the East India Company's courts is fundamentally Mahometan, as much a foreign law, therefore, as the English in relation to the Hindu part, which is a great majority of the population: that, with respect to Hindus, and others not of the Mahometan faith, the opinion (futwa) of the Mahometan law officer, who is in the nature of an assessor attached to every criminal court, may be dispensed with, and some difference may, on the requisition of the parties accused, be made in the mode of trial of persons not Mahometans, all which are equitable modifications of pure Mahometan law, so far as they go; but they leave the foundations of the system Mahometan; and the chief effect, as your Petitioners believe, of permitting the judge to decide without the Mahometan law officer is not to introduce a different system of law, but to place persons accused (when they avail of the privilege) more at the judge's discretion: that such a state of the criminal law would be

intolerable

intolerable to British people, and therefore they have always resisted, and still protest against, its extension to them; that, accordingly, your Petitioners pray your Honourable House to take their case in this respect into special consideration, and to provide that English criminal law, divested in a great degree as it is now of technicalities of procedure, shall be universally administered to them, and to all persons of Christian denomination or faith, whether British, East Indian or foreign, with such modifications only of procedure as may be passed by the Governor-general of India in Council, with the previous assent of Her Majesty in Council.

THE POLICE.

That the police of the Lower Provinces totally fails as respects its proper purposes, the prevention of crime, apprehension of offenders, and protection of life and property; but it is become an engine of oppression, and a great cause of the corruption of the people. That your Petitioners desire to state a few facts in connexion with these propositions. The Lower Provinces, concerning whose police your Petitioners are now speaking, are divided into 32 counties (zillahs), and contain an estimated population of 30,000,000, and comprise an area larger than France. The proper police force in these counties consist of superintendents (darogahs); serjeants (jemadars), and constables (burkendauzes), amounting in the whole to 10,000 or 11,000 persons, and to these have to be added the village watchmen, who are paid by the villages, and not by the Government, and are so rarely known to prevent a theft or other crime, or to apprehend the criminal, that they must count for very little in an honest appreciation of the general system. That these numbers are insufficient with reference to the existing state of the population of Bengal, and that in the present state of crime, an exclusively native police, however numerous, can hardly be made sufficient.

That a native police, as this exclusively is, requires constant and close superintendence, and power of superintendence is given to the magistrates, but, from a variety of causes, no effective superintendence is or can be exercised by them; among these causes may be mentioned: (1.) The paucity of magistrates, for which no remedy appears practicable so long as the exclusive privileges of the civil service are upheld; (2.) The size of their districts; there is one magistrate and an "assistant," or pupil of the civil service, and a deputy magistrate to a zillah, the zillah being, perhaps, as large as Yorkshire, or of an area of 6,000 or 7,000 square miles, and containing a population of 1,000,000; and, (3.) The judicial duties of the magistrate, which are alone sufficient to occupy all his time, are, by their nature, incompatible with the activity and locomotion required for superintendence. It may, therefore, safely be affirmed, that effective superintendence over the native police there is and can be none, under the existing institutions.

That your Petitioners will make a brief statement in illustration of the practical bearing of the existing system on the condition of the people: that in case of the apprehension of an offender, and in order to prosecute him, it is necessary for the injured party, and his witnesses, to go before the magistrate, but this may be a journey of from 15 or less, to 50 miles or more, in consequence of the extent of his district, and when arrived at the magistrate's office, he may be detained days or weeks, from a variety of causes; that, in fact, a magistrate's compound in the Lower Provinces often presents the spectacle of hundreds of persons thus kept in detention for weeks, and if the offence is of a grave character, or beyond the jurisdiction of a magistrate, he and his witnesses may be required to take a second journey of the same distance to the sessions, and be there detained days or weeks waiting for a trial at the sessions; also hundreds of persons are constantly detained at great distances from their homes. That, to avoid these inconveniences, the population render little or no aid to the police for the enforcement of the law, but, on the contrary, they are generally averse to do so, and hence has arisen a practice which is a great reproach to the police system, namely, that witnesses generally, and prosecutors often, are made prisoners, kept under arrest, and sent to the magistrate, and afterwards to the sessions, in actual custody. That from this state of the law and police result the following among other evils: persons robbed deny the fact of a robbery, or if they complain, the persons who could be witnesses deny all knowledge of it, the immediate interests of these classes being arrayed, by reason of the state of the law and jurisdictions, against the objects of law and justice. Often, under these circumstances, the native policeman, to do his duty, employs the means of terror; and torture is believed to be extensively practised on persons under accusation, and the injured party, for not assisting him, becomes an offender. All the evil passions are thus brought into play, and ingenuities of all kinds, both by people and police, are resorted to. Another result is the constant device of proving a true case by witnesses who know nothing about the matter. Justice is supposed thus to be satisfied, but convenient perjury becomes familiar, and perjury loses its criminal character among the people. Thus, and in a thousand other ways, the law and police operate to corrupt the people, and spread corruption. Moreover, the very circumstances which repel the honest attract those who have revenge to gratify, rivals to injure, enemies to destroy, and for these and other dishonest purposes the police and criminal courts are resorted to; and police and law, under the present system, are terrible evils.

That a further aggravation of evil results from some powers possessed by the native police, which practically are magisterial, such as the power of receiving confessions, and in all cases of taking (though not on oath) the deposition of witnesses, which powers are exercised by the serjeant (jemadar) in the absence of his immediate superior (the darogah), and thereby practically the course of criminal justice takes its direction from them, and thus the police control the magistrate's functions, instead of his superintending and controlling the police.

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THE CIVIL SERVICE.

That among the subjects on which evidence was taken by the Committee of the House of Commons previously to the renewal of the last Charter Act, one was the education given at Haileybury, and the means existing in India of completing it before the cadets of the Civil Service chiefly appointed from that institution entered on their public duties. That a deficiency of qualifications was proved, and a plan was adopted by Parliament and embodied in the Charter Act which preserved Haileybury, but according to which only one-fourth of the candidates in the Haileybury college were to receive appointments, which plan would probably, as intended, have secured the following objects; (1.) The suppression of what was proved to be an abuse, of making every nomination of Haileybury virtually an appointment to a highly privileged and important branch of the Indian service: (2.) The exclusion of the unworthy, for which, as proved particularly by the learned professor, Mr. Empson, some provision was necessary; and, (3.) Competition among the candidates under such conditions as should secure the eventual preference to merit, and raise the average and standard of it. That this plan incidentally reduced the value of the nominations to Haileybury, and before it could come into practical operation it was repealed by statute, and with it all security ceased for the desired objects, no other plan having been substituted. That the qualifications of the cadets of the Civil Service are no better in the present day, and there is reason to believe, from historical evidence, that the service produces a smaller proportion of distinguished excellence than formerly; that in every kind of office superiority is given indiscriminately to this portion of the service, and virtually it has the unity, strength and narrow interests of a close corporation, though not legally constituted as such; for example, two, and sometimes three members of the Supreme Council, all the secretaries and under secretaries of the Supreme and Local Governments in the civil departments, all the members of all the civil boards, and their secretaries and under secretaries, all the judges of appeal, both in the metropolitan and zillah courts, all the commissioners of revenue, all the collectors, all the magistrates, and (everywhere) all the heads of office, as at the Treasury and in various miscellaneous offices, are exclusively of the so-called Civil Service. That this monopoly of high office is highly prejudicial to the public interests, and exceedingly unjust towards other public servants who are universally subordinated to this privileged service, and who, by no recommendation of qualification, or merit, or length of service, can rise from official insignificance to the privileged order, though their duties and offices are often the same, only with different names, and usually of equal importance. The principal sudder ameen, for example, whose duties have been already described, can never rise to the grade of a (so-called) civil or sessions judge, nor the deputy magistrate to be a magistrate, though he may have the full powers of the latter; nor the deputy collector to be a collector; nor is this the only injustice. The salaries of the Uncovenanted Service are in no fair proportion to those of the Civil Service, as is exemplified by the comparison already made between the salaries of the covenanted and uncovenanted judges; and, as it must be added, is the fact as respects all other offices; a deputy magistrate, for example, of the first grade, one who has been vested with the full powers of a magistrate by special order of Government, and, therefore, after long trial and experience of his merit, has about the same salary as the inexperienced and untried civilian when first posted and placed really in pupillage as an "assistant" to a magistrate, or as the civilian suspended for misconduct. In the matter of pensions the injustice is of the same glaring kind, as well in respect of comparative amount, as of the different conditions on which they are granted to the two classes; and the same complaint applies to the furlough and other leave of absence rules, and to many occasional advantages, such as deputation allowances, extra pay and duplication of offices, which are exclusively possessed by the Civil Service. That in the matter of punishments, trials and complaints the same disparity exists. That, allowing the necessity for a severe control, it ought to be exercised in the same manner, but is not over all public servants; it is a common remark, and in a great degree true, that official negligence, unfitness, abuse even of authority and other faults on the part of the civilian are generally visited only by removal to another appointment of the same rank and emolument; even when under suspension for some grave offence the civilian has a very considerable allowance, and he cannot be dismissed from the service even by the Governor-general in Council; suspension is his worst punishment, and, upon being suspended, he becomes entitled to a certain fixed and considerable allowance. That there appears to be a striking deficiency of principle in the appropriation of offices to the privileged service; many of these offices have duties simply of clerks and accountants, and which would be better performed by persons brought up for such employments, or without high pretensions; that the only special qualifications which the Civil Service ever generally has are gained, not by study or professional training, but by actual practice and experience at the public expense, and which never or rarely rests on a basis of education and science, and consequently they are not intrinsically superior to the qualifications of other classes of public servants; that the practice of promotion by seniority appears to set aside all consideration of qualification; the magistrate or collector is raised to be an appellate judge in civil causes, having previously been employed in the active business of police, and chiefly criminal law and miscellaneous business or revenue, and from being a judge he is made a commissioner of revenue, as far as appears, only because the salary of a judge is a few peppercorns less than that of a commissioner; in short, changes of employment take place in rapid succession, apparently without reference to aptitude, general or special, or to any consideration but the tastes, interests or connexions of the individual, or his length of standing; and one consequence is, that civilians are constantly found at the head of departments, offices and courts about which and their business they know little or nothing.

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The East India Company's system was founded on the supposition that the Hindu and Mussulman population on the one side, and on the other the Company and its servants, were the only persons who had a right in the country, and could have a legitimate part in the government: the civil service is a remnant of this system, is constituted on this supposition, and is in fact a monopoly of the best employments. The institution, in this respect, is unjust both to the native and Christian population; and in the former class a considerable part of the latter class may properly be included, for great numbers of pure European as well as mixed blood have been born in the country, therefore are natives of it, and have no other home. That the East India Company's commercial interests depended on its civil service system may be true, but the ascendancy of the Crown can better be promoted by a liberal policy in all respects to the Christian inhabitants. Your Petitioners beg your Honourable House to take a survey of the general character and condition of the classes to which your Petitioners belong in Lower Bengal: first, in Calcutta, they have increased in numbers as the foreign commerce of India has increased, and they are essential as its instruments; they are the security on which the British capitalist relies for his information and returns; they are essential also as aids to the natives in their commercial relations. In Calcutta, also, are established a large body of British-born and country-born tradesmen, who carry on many of the trades of Great Britain which were formerly unknown in India; by these classes is diffused among the natives a practical taste for a thousand new means of enjoyment supplied by the manufacturers of England. To these two classes must be added the legal profession in both its branches, and the medical; and if they are only found in Calcutta, the cause is that the rest of the country is practically closed to them, not by any deficiencies or want of enterprise of their own, but by the East India Company's system. If a Sir William Jones, for example, were to desire to be a Company's judge, he could only become a moonsiff at 120 *l.* per annum in the first instance; and the English Bar could find no scope in courts whose judges are not jurists, nor brought up in habits of discussion. Secondly, out of Calcutta, the Christian inhabitants are connected with capitalists and merchants in different parts of the world, and they are engaged in superintending and urging production of indigo, silk, and other things which form the exchanges of Great Britain; as a whole, therefore, these classes may be described as comprising men of all ages and occupations—the mercantile, agricultural, professional, scientific and mechanical,—they present a fair image and representation of British capital, enterprise, acquirement, ingenuity and talent, and of the middle classes of England. It is by these, also, that the British people become known, and their character understood by the native population; yet the East India Company's system in a great degree ignores these classes, refuses to them proper laws, and offends them, for the sake of its civil service, by one general exclusion from public employment, on every fair principle, and leaves it to be supposed that British ascendancy depends on their exclusion; as if cadets, who come out at the age of twenty-two, and whose life is passed in narrow official trammels, could alone be loyal. That the privileges of the civil service are not only unjust in these respects, but they are direct obstacles to the most necessary reforms; but this topic, leading as it does to questions of administration, cannot be satisfactorily treated of in a petition. Your Petitioners, therefore, pray for such a change in the arrangements for supplying the public service in the civil departments, as to your Honourable House may, under the circumstances stated above, appear desirable; and particularly they submit to your Honourable House the expediency and necessity of inquiring into the nature and number of public employments in India, the salaries and emoluments attached to them, and the principles on which, if at all, the public service ought to be supplied from England.

THE EAST INDIANS.

That your Petitioners also beg to bring under the consideration of your Honourable House the case of the East Indians, a class all of whom are of Christian denomination, and though of mixed blood, British in education, habit and family, ties and connexions, but not British subjects within the technical signification of the term, and, consequently, they have no proper legal status, but are subject to the same criminal law as the natives, and they have no civil law out of Calcutta; this state of the law in relation to them is an admitted grievance, and the same grievance exists in the case of all foreigners, not being Hindus or Mahometans, such as French, Germans and other foreign people, and to whom also may be added the class of natives become Christian. That to provide an equitable status for all classes, not being British subjects nor Hindus or Mahometans, a law, known generally by the name of the Lex Loci, was prepared by the Indian Law Commission, and it would have relieved the East Indians, but it has not been passed; and, therefore, your Petitioners press on your Honourable House the said case of the East Indians and other said classes of persons.

EDUCATION.

That your Petitioners desire to represent, on behalf of the East Indians and others of Christian denomination, who, by circumstances, are permanent residents in India, the want of collegiate institutions for the higher branches of education, and a university to grant diplomas of qualification. That, in the former especially, law should be taught as a science, and a class of persons might thus be formed, qualified, in the first instance, for professional employment in the courts, and eventually for judicial office; and a very considerable body of

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of permanent Christian inhabitants desire that their claims and interests should be considered in all arrangements for the education of the people.

PUBLIC WORKS.

That there appears to be, on the part of Government, a lamentably defective appreciation of the importance of roads and other public facilities of intercommunication. There is only one metalled road in the Lower Provinces, the grand trunk road, and it is the only road supported at the expense of Government. The other roads are made by the landholders, on the requisition of the magistrate, or with local funds, and generally they are designed to connect the different police stations, and not to open traffic or benefit the country people; and from the nature of their materials, most of them, during the rains, are nearly impassable; other roads there are none; and the grand trunk road itself, for want of bridges and sufficient repairs, is usually impassable for carriage traffic during a part of the rainy season. It is a striking proof of the little regard paid to the public convenience, so far as this great highway is concerned, that of two small bridges which were carried away by floods in 1847, neither is yet rebuilt, though the situation is in one of the most populous and highly cultivated districts, where the traffic is great, and within 35 miles from Calcutta; but in the place of one only a ferry was for some years established, though both these bridges appeared in the Report published by the House of Commons as public works, which had been sanctioned, and to the present day they are replaced only with temporary erections insufficient for the traffic, and on one of them tolls are established where there were none before.

Of course a Government which makes no roads, builds no bridges across the great rivers, much though they be needed. Public ferries there are, but many more there ought to be, and their management is much complained of, for delays and want of safety. On some rivers tolls are taken for keeping open their navigation; but the navigation derives little benefit, and appears to be left to nature. The country offers singular facilities for canals for shortening the lines of communication from various districts to Calcutta and other places, and opening the country generally; but they are not constructed. A canal which terminates in Calcutta is allowed to remain so narrow as to be constantly choked up with traffic boats, though it produces a large profit, and admits of enlargement. A large surplus is derived from ferry tolls and similar local sources, and is appropriated by promises and law, but not applied to public improvements, except that in the year 1850-51, a few hundreds of pounds were so applied from the ferry funds, and distributed among several zillahs, each containing an area of several thousand square miles.

Your Petitioners cannot pass unnoticed the subject of the railway: its construction appears to be proceeding with slowness, which no company of capitalists unguaranteed would or could afford to tolerate, and which, therefore, must be ascribed to the influence of checks applied by Government to secure economy, and prevent fraud, but which usually do neither, as experience has proved, but are mere impediments, and have the sole merit of giving to Government an amount of patronage.

That the Government has not at its disposal the variety or amount of scientific and engineering skill requisite for the proper prosecution of public works of utility; to the Military Board, which has their superintendence, they are secondary objects; and works are constantly stopped from officers being called away to their military duties, and therefore your Petitioners think new provisions necessary for the prosecution of such works.

THE COURSE OF LEGISLATION.

That your Petitioners beg to represent to your Honourable House a few traits of the course of legislation. The early legislation presents some great measures, which are clearly referable to the impulse temporarily given by the discussions in Parliament. Among these the establishment of the liberty of the press deserves the first and most grateful mention; it has been justified by its fruits; the press has proved its worth by what is a great merit in a community so much under official influences—its general independence; and it is equal to any colonial press in activity, in diffusing information, in intelligent discussion, in assisting the formation of public or political opinion, and in enlightened criticism on, and appreciation of, the conduct of Government. The attacks industriously made upon it of late from official quarters give your Petitioners much concern; and if its merits should come under the consideration of Parliament, your Petitioners trust your Honourable House will rather take your appreciation of it from your Petitioners, and the classes to which your Petitioners belong, than from the official classes, many of whom appear to desire to restrain and abridge its freedom.

Your Petitioners also refer with unqualified satisfaction to the abolition of town and transit duties, another very early measure of the new Legislative Council: so long as the East India Company's monopoly lasted, these duties were maintained; their repeal was the inevitable consequence of commercial emancipation, and therefore really of Parliamentary origin. The new customs duties on exports and imports also deserve a favourable mention, as being moderate, but they were not established in Madras until some years later than in Bombay and Bengal; and their uniformity has been again broken by a recent Act, which raises the customs duties at Bombay alone, and therefore the sincere gratulations of the public are given, but with some doubt of the integrity of the fiscal principles of Government.

An

An uniform coinage for India also was early established, and more recently a ship registration, and other beneficial and similar commercial regulations.

In the department of English Law there is much ground for grateful remembrance. The Wills Act has brought to India the recent statutory Law of Wills, and the law of Dower and Inheritance has been altered as in England; but these changes, and others of the same kind, are due to the influence of the legal profession. In the Supreme Court, the modes of procedure have rapidly followed the reforms of procedure in England, not through legislation, but mainly in consequence of a wise provision in the constitution of the court itself, that its practice shall conform to the courts of Westminster Hall. It would be praise undeserved to ascribe this large branch of legislation and reform to the spirit or judgment of the Indian Government; the praise is due to those who have no place in the East India Company's system. On the other hand, on matters over which British people have little or no influence, legislation is much less commendable as a whole.

That when the civil jurisdiction of the East India Company's courts was universally extended over British subjects, it would have been fair to have enlarged the appellate jurisdiction, which the Supreme Court already possessed under statute 55 Geo. 3, c. 155, s. 107, but instead of this being done, the same Act, which extended the jurisdiction of the Company's courts, repealed the appellate jurisdiction of the Supreme Court: the preservation of the appellate jurisdiction of this court would have been some protection against bad procedure and misdecision.

That recent legislation is distinguished by a great number of enactments, creating powers of an extraordinary kind unnecessarily, or conferring powers on persons not fit to exercise them: of the former kind, in Calcutta for example, where all legal authority reasonably exercised is respected, to an officer called the Collector of Calcutta (not the collector of customs or of municipal taxes, but of the land rents of the East India Company in its ancient right of a zemindar or landholder) has been given by a recent Act, power to punish for a contempt to himself, with a fine of 20*l.*, and in default of payment to one month's imprisonment, thereby creating (1.) a new offence; and (2.) denying the ordinary redress for wrong, inasmuch as the Act referred to obliges any one who may be wronged to seek redress out of Calcutta, in a court of the East India Company in the country; while, (3.) at the same time it empowers the officer himself to avail himself, in addition to the usual powers of distress, of the Calcutta courts and magistrates. The collector, in this case, belongs to the privileged service, and it is impossible not to surmise that the offence would not have been created in favour of a common tax or rent collector. As an instance of powers conferred on improper persons may be mentioned an Act, authorising native police officers to fine for an infraction of the salt laws, and to imprison for a fortnight. The Act book abounds in legislation of this character.

That the legislation respecting crime is equally unsatisfactory; by reason of the state of the police, every landholder, planter, banker, considerable trader and storekeeper is obliged to keep men, often in very considerable numbers, armed according to the custom of the country, to defend his property against midnight gangs called "dacoits," and other robbers; such irregular forces, though necessary for self-protection, are of course liable to be employed by neighbours at enmity against one another, and by circumstances to become aggressive, and hence the frequency of affrays, which are to be deplored; but the primary evil in the whole set of circumstances is the state of the police, and its reform is the proper and essential remedy, instead of which, mere legislation against crime is resorted to; ingenuities are exerted to bring the propertied classes within the criminal categories; the laws on paper are made more severe; increased judiciary powers are given to the magistracy, but the real evil remains unabated. It is obvious that legislation of this kind is only acceleration on the road to ruin.

Act for relieving Magistrates from responsibility.—That in 1850 an Act was passed for the protection of magistrates, and others acting judicially, from responsibility to law. That the said Act, in the obvious meaning of its terms, protects them in any illegality not clearly referable to a malicious object or intent; it protects ignorance, negligence and incapacity, and is inconsistent with a Government according to law, and with justice to the community; that if inferior judicial officers are thus protected, the Government will be called on, and ought to give redress to parties illegally injured; and that thus indirectly, but inevitably, the said Act also places the entire magistracy and inferior judicial officers in a state of responsibility for their law to the Executive Government, and destroys their judicial independence, and therefore the said Act is also contrary to all sound principles of public policy.

Postage.—That your Petitioners have still to desire the recognition, on the part of the Indian Government, of the principle on which postage rates in England have recently been reduced by Parliament, and a general reduction of postage rates in conformity with this principle. That your Petitioners believe that, on inquiry, your Honourable House would find that the existing inland postage rates defray the cost of the carriage, not only of all private letters and heavy Post-office establishments, but also of all the correspondence of the Government of India, Presidency Governments, and their numerous military and civil departments.

Tolls on Roads and Bridges.—That your Petitioners deprecate the establishment of tolls on any of the great highways made or kept up at the expense of Government, and for which an authority has recently been given to the Presidency governments by an Act of the Legislative Council passed in 1851; and the said Act extends to bridges also. The only previous Acts of the kind were two Acts passed in 1837 and 1838, for local tolls at the Bhore Ghaut, in

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in or near the town of Bombay, and which tolls had long before existed under local regulations. Under the new Act, a toll has been established on a bridge which is not strong enough to bear an elephant; and an elephant, which for want of a proper bridge is obliged to ford the river, still pays a new toll of two shillings.

The East India Company's Spirit License.—That your Petitioners cannot pass unnoticed one cause of great injury to the poorer classes of people. Temperate, as has always been supposed, by nature, their temperance as a habit is fortified in the case of the Hindus by the rules of caste and the Hindu religion, and, in the case of the Mahometans, by the commands of their prophet and all the principles of the Koran, and in the case of both by native public opinion. That indulgence in spirituous liquors, consequently, was discountenanced by the people in general, and was confined to the very lowest classes, or the two lowest classes, in the long settled parts of Bengal, and the united action of religion and public opinion, probably, would have prevented its spreading. That within a few years, Government has extended to large villages the licensing system for the sake of revenue, and its effect has been to lead to the establishment all over the country of shops for the sale of spirits. The license of Government is found to discountenance the public opinion of the native community, and in every considerable village there is a licensed shop, where, until the license was established, there was no such shop at all. Religion, caste and public opinion are ineffectual against the license, and the whole agricultural and labouring population is thus being corrupted, and falling into habits of indulgence in a new form of intoxication.

That this is a great evil to the employers as well as to the people; and British residents in the country universally attest its progressive increase, and generally ascribe it to the East India Company's licensing system. That there is no hope of the abolition of this system without the interference of Parliament, and your Petitioners pray for an immediate inquiry, under the direct authority of Parliament, into the extent and cause of the alleged evil.

Salt Duties.—That the salt duties appear to your Petitioners deserving the consideration of Parliament, as pressing with considerable severity on a very poor population, and the occasion of numerous small oppressions, and some other evils. It is true that the duty is no longer founded in a monopoly; but its amount is upwards of 400 per cent. on the natural cost of the article, and its cost to the consumers is still further enhanced by the means necessarily used for the protection of the revenue. Many proofs that the duty presses with very great severity might be given, but one must here be sufficient, namely, that out of Calcutta, as far as the North-west Provinces, pure salt, as sold by the Government or imported, is almost unknown to the mass of the people. Adulterations of all kinds are resorted to, to reduce its price to their means of purchasing; a wholesome condiment is thus often rendered unwholesome; and as to all purposes for which pure salt is necessary, the duty is a prohibition. Moreover, the revenue can be protected only by a severe system of fines, penalties and confiscations, and a very inconvenient interference with general traffic. On the banks of all the great rivers within the tidal limits, salt guards are stationed to prevent smuggling, and all traffic boats are subject to molestation from native officers, who levy small contributions on them. In the interior, and on different parts of the frontier in the North-west Provinces, there is a jealous excise system; and in the Punjab, the means employed to prevent smuggling are a source of great irritation. It should further be mentioned, that the manufacture of saltpetre was very recently proposed to be put under new regulations of a most injurious kind to the saltpetre trade, for no purpose but to prevent the production of an article for the adulteration of salt, which the saltpetre works are supposed to supply to the dealer in that article. And to protect the inferior salt of Lower Bengal, that of the North-west Provinces is subject to a differential customs duty.

That under two sections of the Charter Act, viz. the 81st and 82d, British-born subjects are restricted to provinces acquired before the year 1800, except with license. The restriction probably has remained, to a great degree, inoperative, but it is a stigma derived from the policy of former days, when all except the servants of the East India Company were regarded as interlopers and oppressors. In the opinion of your Petitioners, every British subject ought to have free access to every British province, except, perhaps, in time of actual war (flagrante bello). Your Petitioners, therefore, desire the abolition of the said restrictions.

In adverting to the course of legislation, your Petitioners must also deplore the little use made of the Indian Law Commission, which was appointed, under the authority of the Charter Act, to prepare laws for all classes of people.

THE SUPREME GOVERNMENT.

That the above facts and circumstances press on all rational men the consideration of the constitution of the supreme authorities.

With respect to the Supreme Government of India, your Petitioners beg to point out the paucity of its members, at no time exceeding six, and usually only five persons, and its necessary consequence, that the same persons, with the exception of one from the Executive Government and the Legislative Council, including in both the Governor-general, and that, therefore, practically, the only real distinction is between the Governor-general, in his separate official capacity, and the rest of the Council, and that the distinction between the Executive Government and Legislative Council is a nominal one. When, therefore, it is considered that the political and legislative authority of the Supreme Government extends over all India, and to many foreign Oriental relations; that it has exclusive authority to act or decide on some subjects of the greatest difficulty and importance; that the local Govern-

ments

ments are entitled to resort to it for advice and direction, and in many matters are not qualified to act without its concurrence; that its authority is embarrassed by subordination to greater powers at home, whom, as their agent, it has to keep informed, and to receive instructions from them, and that, in this respect, it has to keep up a certain harmony of ideas and operations; it may well be believed that five persons or six are insufficient for such extensive complicated and diversified functions.

That your Petitioners also beg to point out how the paucity of the members operates on the choice of persons, and, consequently, affects the quality and composition of the Government. The Governor-general is always one of necessity; one is a military man; one is a lawyer for legislation; the remaining two must be selected for their Indian experience; but Indian experience, though essential, is narrow, being gained usually in one department of civil duties, and in only one Presidency, namely, in Bengal, in Madras, in Bombay, in the North-west Provinces, or in the Punjaub (may now be added), and the population, institutions, revenue and judicial systems of the different Presidencies widely differ. And, therefore, your Petitioners, without even questioning the fitness of any individual, may still regard the Council as very deficient, and especially as wanting in variety of composition, and as of too limited attainments and experience; deficiencies which would account, in some degree, for the little progress made in all great improvements, and the retrograde tendency of Government.

That, by the facts above stated, and these reflections, your Petitioners are inevitably led to recommend a considerable addition to the Legislative Council, and especially the admission to it of non-official persons from the commercial and professional classes.

That the office of Governor-general requires adaptation to the empire, as it exists at the present day; that your Petitioners believe there is not to be found any exact account or definition of the separate powers of the Governor-general; that, for the last 20 years, the Governor-general has been more than half the time away from the seat of government, and your Petitioners believe that the ordinary affairs of the Government are occasionally put to much inconvenience by his absence; that it is obvious that the emergencies which require his absence would generally leave him little leisure for distant concerns; that the most eminent capacity for deciding in a Council is often a very insufficient qualification for deciding alone; that the Governor-general is obliged to delegate to the Council, under a temporary President, the decision of matters on which his personal advice and orders must be desirable; and when, as may and has happened, either the Governor-general or the Council declines, or is legally incompetent to act without the concurrence of the other, the public business stands still, arrears accumulate (of which some are swallowed up by mere lapse of time), private interests suffer; public interests suffer, and Government falls, first into disorder, then into apathy, and much which requires to be done is finally left undone.

That your Petitioners also beg your Honourable House to reflect on the prejudicial influence which the absence of the sole representative of the Crown must have on the spirit of the administration, he being also the sole British statesman by profession in the Government, the only member of it who has been brought up among the public men of England, who knows their mode of thinking, and understands the Parliamentary system, and can appreciate the importance of non-official and public opinion.

The Home Authorities.—That your Petitioners also submit that the present opportunity should not be lost of revising the manner in which the home authorities are constituted, and their functions are arranged; that, since the last Charter Act, the Court and Board have been opposite litigant parties in the Court of Queen's Bench, apparently in consequence of a mutual misunderstanding as to their respective powers; that a contest also arose between the same authorities, respecting the recall of a Governor-general, the two cases together presenting the following anomaly; namely, that the Court is bound to transmit to India, for the Governor-general, the mandate of a particular policy, without exercising any discretion; but, on the other hand, has the power to recall a Governor-general who may be specially charged with the execution of that policy, and may have done his duty satisfactorily to the Queen's Government; and hence their respective powers appear not well arranged nor well understood; that of these bodies, one appears deficient in that knowledge of the country and people which the other body possesses, while the latter appears deficient in the higher qualities required in the governors of a great country; and hence the laws, the courts of justice, the police, and other institutions, remain in the state already described, so unworthy of the British authority and the British name.

That your Petitioners consequently feel themselves bound to declare their opinion, and as they believe the opinion of the public of India generally, to be unfavourable to the present double government of a Board of Control and Court of Directors.

That the manner in which the Directors of the East India Company are appointed is most objectionable in the following and some other respects; namely, (1.) That although their functions are politically of the highest order, and affect the well-being of India, they are self-proposed in the first instance, and without any security for their being qualified or proper persons to be entrusted. (2.) That they are elected by a proprietary body, whose capital is now guaranteed by Parliament, and which therefore has lost that interest in the Government of India which formed the basis of their elective privilege; and, (3.) Which body requires to be canvassed, and gives its votes on a well-grounded calculation of a return of benefit in the distribution of patronage; and, (4.) That such a system has the effect of preventing highly qualified persons from ever becoming Directors.

State of the Country.—That from what is above stated respecting the law, the law courts and

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and the police, your Lordships will be able to draw, with the fullest assurance of truth, many conclusions respecting the condition of the country. It might appear paradoxical to deny its prosperity in the face of the vast increase which has taken place in the foreign commerce; but it is undeniable that, contemporaneously with this increase, crimes of a violent character have increased, and law and police are also regarded as affording little security either for rights of persons or property. Hence the limited application of British capital to agriculture and mines, and the limited employment of British skill in India (the former being confined to a few valuable articles, such as indigo, for the cultivation of which the soil and climate are so superior as to afford the profits almost of a monopoly, silk, and a few others); and hence, also, small capitals can rarely be employed in India. The planter or capitalist in the interior never or rarely leaves his capital when he himself quits the country, in consequence of its insecurity; and from this cause results the high rate of interest of money: landholders pay 25 and 30 per cent.; and the ryot or cultivator is in a worse relation than of servitude to the money lender. Your Petitioners, therefore, think that inquiry ought to be instituted by Parliament into the state of the country, in order to provide some probable remedy for the evils adverted to.

That, adverting to the inadequate manner in which the objects of the last Charter Act have been carried out, and to the several facts above stated, your Petitioners suggest the expediency of making the new arrangements of the Government for a shorter term of years, and at first only for one year; and, in conclusion,

Your Petitioners pray your Lordships to take the several matters aforesaid into your fullest and most serious consideration, and to take such measures as to your Lordships may appear necessary to establish the several ameliorations and reforms desired by your Petitioners.

And your Petitioners shall ever pray.

P. Clarkson Reed,
Zemindar, of Purneah and Calcutta.

Hirdsey Reed,
Barrister-at-law, of Calcutta.

PETITION, praying that in the event of the Renewal of the Act for the Government of the Indian Territories, Provision may be made to secure to the Petitioners the full Benefit of the Contract with the East India Company, by which they were induced to Settle in the Company's Territories; of Armenian Inhabitants of the Bengal Presidency.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition and Memorial of the Armenian Inhabitants of the Bengal Presidency.

Respectfully showeth,

That the Memorialists of your Honourable House are of the ancient Armenian race, the national existence of which has long been extinct, but of which individual members were the foremost to appreciate the benefits of British government in the East.

2. That the resort of Armenians to the British settlements, in this and other parts of India, was coeval with the establishment of those settlements. That the first important firman of the Imperial Court of Delhi, in favour of the English East India Company, while it was still in its very infancy, was procured by the agency of Khojah Serhad, an Armenian of great enterprise and influence in those days. It is now a matter of history, and the connexion thus begun, with a sense of mutual obligation, was cemented by an instrument of solemn compact in the nature of a treaty between Coja Phanoos Calendar, an eminent individual of the Armenian race, and the then Governor and Company of Merchants of England trading to the East Indies, bearing date the 22d June 1688, and ratified under the hands of the Governor and Directors, and by the common seal of the Company; the actual execution of the above instrument, a copy of which is appended for the sake of reference, has never been questioned.

3. That although the above compact may not possess all the binding force of an international act, in so much as it was made with a mere individual of a race, which had then no existence as a political community, yet did it continue for nearly a century to regulate the scale of duties levied on the trade of Armenian merchants at the Company's settlements and dependencies. Whether binding as a treaty or not, it must, at all events, be admitted to contain the terms publicly held out by the Company to encourage the resort and settlements of Armenians into the factories and places held by the East India Company.

4. Your

4. Your Memorialists beg to draw the attention of your Honourable House to the third article, which is as follows:—

> "That they (the Armenian nation) shall have liberty to live in any of the Company's cities, garrisons, or towns in India; and to buy, sell, purchase land and houses, and be capable of all civil offices and preferments, in the same manner as if they were Englishmen born; and shall always have the free and undisturbed liberty of the exercise of their own religion; and we hereby declare, that we will not continue any governor in our service that shall in any kind disturb or discountenance them in the full enjoyment of all the privileges hereby granted to them; neither shall they pay any other greater duty in India than the Company's factors or any other Englishmen born, do, or ought to do."

5. That upon such invitation and solemn guarantee, the Armenians began, and have since continued to flow in from various parts of Asia, to the haven of protection and favour thus opened to them. They have traded and tilled the earth; have become builders and proprietors, and acknowledge with gratitude the uniform protection and kindness they have received under the Company's rule. Your Petitioners confidently trust, that they, and those who have preceded them, have shown themselves neither unworthy of this favour, nor ungrateful towards their benefactors; and that, of the numberless tribes and races that have successively placed themselves within the pale of British dominion, none has evinced more loyal attachment, or given less occasion for the exercise of either coercive or penal measures.

6. That of the Armenians now settled within this Presidency, the smallest section is that of such as are the issue of forefathers already settled in it before the coming of the English; a large section is composed of such as are of foreign birth, and are themselves original settlers; but the far greater proportion are those born in this Presidency, the issue of fathers or forefathers who became settlers upon the inducement above mentioned.

7. That many of your Petitioners are possessed of large personal property, and also of large property in houses and lands, within the limits of Calcutta itself, and also of talooks and zemindaries in several of the zillahs and districts of this Presidency; and that of their real property, a part is the fruit of personal acquisition, but the greater part has been derived to them from fathers or forefathers, by whose industry it was acquired.

8. That notwithstanding the existence of the above compact or treaty with the East India Company of the year 1688, and, moreover, notwithstanding the assurance given by the Supreme Government, in the reply of Lord Auckland, Governor-general, to their memorial presented in 1836, to take the subject of their petition into due consideration, the condition of the Armenian inhabitants, in respect to civil rights and privileges, or the position of the Memorialists of your Honourable House has not yet been, in the least degree, altered. That your Memorialists unfortunately still labour under the disadvantage of being regarded in the courts of the Company, more especially of criminal judicature, in the same light as Hindus and Mahomedans, and subject to a system of law, if system it can be called, based upon the Mahomedan code, and modified by Regulations and Acts of the local Legislature, but so crude and undefined, as to leave nearly everything at the discretion of those who are entrusted with its interpretation, who are so often destitute of experience or sound judgment, and which is held in detestation by their more favoured fellow-subjects of British birth, who are, for the most part, exempt from its application, and who have, on all occasions, expressed the greatest disgust at every attempt to bring them within its operation.

9. Finally, your Memorialists, although so warmly and gratefully attached to the British rule, under which they have prospered now for upwards of a century and a half, and utterly unconscious of having done anything to forfeit the good opinion that prompted the flattering terms of invitation upon which Armenians became settlers in the territories of the East India Company, and have continued for upwards of a century to enjoy within the local limits of the several Presidencies all the consideration that a parity of civil rights with natives of Great Britain was calculated to give, find themselves deprived of these advantages, when beyond the limits of those Presidencies, and subjected to a different system of law. Your Memorialists have no hope of remedy for this, which they cannot but consider as a serious grievance, but from the wisdom and justice of your Honourable House, to which they present their earnest prayer—

> That the inequality and grievance above stated may be taken into the serious consideration of your Honourable House, on the occasion of the expected renewal of the privileges of the East India Company, and that provision may be then made to secure to your Memorialists, and generally to the Armenian settlers within the territories entrusted to the government of the Honourable East India Company in British India, the full benefit of the contract made with one of their nation, on behalf of himself and those of his nation, on which they and their forefathers were induced to become settlers within the Company's territories.

And the Memorialists of your Honourable House, as in duty bound, will ever pray.

Calcutta,
10th day of January 1853. (signed) A. Apear.
[And 213 others.]

Appendix D.

PETITION of Members of the BRITISH INDIAN ASSOCIATION and other Native Inhabitants of the BENGAL Presidency, complaining of Grievances, and praying for Relief.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Members of the BRITISH INDIAN ASSOCIATION and other Native Inhabitants of the Bengal Presidency,

Sheweth,

Loyalty.

THAT your Petitioners are desirous of bringing to the notice of your Right honourable House the sentiments entertained by themselves and the most intelligent part of their native fellow-subjects all over the country, on those points which, in their humble opinion, ought to be taken into consideration at the period of the termination of the Charter, granted to the East India Company by the Act passed in the reign of His late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the 30th day of April 1854." As subjects of the Crown of Great Britain, the natives of this country entertain the deepest sentiments of loyalty and fidelity to Her Majesty, and sincerely desire the permanence of the British supremacy in India, which has ensured to them freedom from foreign incursions and intestine dissensions, and security from spoliation by lawless power. Placed by the wisdom of Parliament, for a limited time and on certain conditions, under the administration of the East India Company, they have enjoyed the blessings of an improved form of government, and received many of the advantages incidental to their connexion with one of the greatest and most prosperous nations. They are impressed with a sense of the value and importance of these and similar benefits, and of their obligations to the nation from which they have, under Providence, derived them. They cannot but feel, however, that they have not profited by their connexion with Great Britain, to the extent which they had a right to look for. Under the influence of such a feeling, they regarded with deep interest the inquiries conducted by Committees of both Houses of Parliament, between the years 1831 and 1833, preparatory to the passing of the last Charter Act. The fact of such inquiries being on foot, suggestive as it was of great administrative reforms, induced the people, who were unaccustomed to make any demonstration of their sentiments respecting the acts and measures of their rulers, to wait the result of the deliberations of the Imperial Parliament.

Legislation.

2. That the principal changes made by the above-mentioned enactment, consisted in the increase of the powers of the Crown and the Board of Control over the Court of Directors, and those of the Supreme Government over the subordinate governments; in the power of legislating for all classes which was conferred on the Supreme Government, and, as auxiliary thereto, the appointment of a law commission, and of one member not of the Civil Service to the Supreme Council; in the extension of the powers of the Governor-general when absent from the Council; in the admission of British subjects to trade in China, and to hold lands in India; and in the increase of the ecclesiastical establishment, for the benefit of professors of the Christian religion, at the expense of the general revenue of the country. But no provision was made for introducing those benefits which the circumstances of India notoriously required; such as the relaxation of the pressure of the revenue system by lightening the land tax where it was variable, or erecting public works of utility, calculated to develop the resources of the country, and promote the growth and increase of commerce and manufactures; the improvement of the system of judicial administration, by the selection of qualified officers, the appointment of proper ministerial officers, the abolition of stamps on law proceedings, and other salutary measures; the protection of life and property by the employment of a police adequate to the purpose in point of numbers and discipline, under the control of a proper number of experienced magistrates; relief from the gigantic monopolies which the East India Company maintained very inconsistently with their position as rulers; the encouragement of the manufactures and commerce of the country, which had been greatly depressed in consequence of throwing open the trade with India; the education of the people on an adequate scale, for which the grant of a lac of rupees, authorised by Parliament in 1813, was manifestly insufficient; arrangements for the appointment to the higher offices of persons better qualified, by their experience, capacity and knowledge of the languages and laws of the country, than those who were heretofore sent out, usually before they had emerged from the state of adolescence; and the admission of the Natives to a participation in those rights which are conceded by all constitutional governments, and which would qualify them to enjoy the benefit of free institutions at a future period. The only privilege conferred on the Natives was the declaration in Section 87 of the above-mentioned Act, "that no native of the said territories, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the said Company."

Revenue system.
Public works.
Judicial system.
Stamp duties.
Police.
Dacoits.
Education; insufficiency of grant.
Natives.

3. That the natives of this country were disappointed in the expectation they had formed, that the Charter of the Company, if renewed, would be so modified as to provide for some of

of those administrative reforms which were called for, and also to secure to them some of those civil and political rights which they considered themselves entitled to, even without reference to their position as subjects of the British Crown. That feeling of dissappointment has been, if possible, deepened by their perceiving that, notwithstanding the declaration just recited, the natives of India, with one or two exceptions of very recent date, have not been appointed to any but subordinate offices under the Company, such as were very inferior in point of respectability and emolument to the posts held by the youngest of their civil servants.

4. That after being in much uncertainty as to the intentions of Her Majesty's Government to make inquiries into the affairs of India, with reference to the approaching termination of the Company's Charter, your petitioners have learnt, with satisfaction, of the appointment of Committees of both Houses of Parliament, to take into consideration the mode in which the government of the British possessions in India is in future to be conducted. They cannot disguise from themselves the difficulties which those Committees will experience in endeavouring to ascertain the nature and results of the administration of the East India Company. The evidence accessible to them will be chiefly of parties, who are more or less interested in the maintenance of the present system of the British Indian administration, and who cannot be expected, even were some of them free from a natural bias, to enter into the feelings and wants of a people widely differing from them in religion, manners and habits. But your petitioners rely on the wisdom and justice of your Right honourable House, to give due consideration to the representations which they are emboldened to submit, by the consciousness that, though differing in religion and colour, they are your fellow-subjects, and that their claims as such will not be disallowed. Committees.

5. That your Petitioners submit that it is for many reasons fit and proper that the period of such arrangements should be shortened, in order to bring the merits and working of them sooner under the review of Parliament. The governments of remote dependencies of the empire are generally liable to be ill-conducted, particularly when those dependencies are of the magnitude to which Her Majesty's dominions in India have at this day attained, and when there are various and dependent Boards, and the grounds of their proceedings cannot be scrutinized by the public, except by the publication of correspondence by order of Parliament. It seems of paramount importance, therefore, that the administration of India should be more frequently brought under the revision of the supreme authority. An appeal to facts will corroborate this argument. By the last three Charters, the Government of the British Indian territories was continued to the East India Company for terms of 20 years; but however urgently reforms and improvements in the system of government might seem to be required, none could virtually be introduced till the expiration of that long period. Accordingly, it required that period before British subjects were permitted to exercise their natural right of residing in, or even of trading with this part of their Sovereign's dominions, and another like period before they were permitted to enter into the trade with China, which was open to all other nations. If British subjects had to wait such protracted periods in breaking through a monopoly, the natives of India cannot have a better prospect of obtaining reforms which they may pray for, or rights which may be admitted to be unjustly withheld from them. Your Petitioners are therefore most anxious that the term of the arrangements which may be next entered upon for the government of this country should not be extended beyond 10 years. Shortened period of renewal. British subjects.

6. That your Petitioners submit, that the existing system for the management of the affairs of India by the Court of Directors and the Board of Control is objectionable, on account of its complexity and expensiveness, as well as on other grounds. The Court is composed of 24 Directors, elected for five years each, who receive each a salary of 300 *l.*, a sum which is manifestly inadequate to secure the services of persons qualified to assist in the government of a vast territory, and willing, conscientiously, to devote their time and attention to that great undertaking. But in reality the services of the Directors are compensated by the extensive patronage which each of them enjoys, consisting in the right to dispose of certain lucrative, civil and military, and other offices in India. For the manner in which that extensive patronage is used by them, they are under no sort of responsibility. Being originally a body of merchants, delegated by their fellow-merchants to carry on the trade with India for their mutual benefit, they received a suitable salary for the extra attention they gave to their joint concern; and it was a part of their functions to select the men whom they sent out to India, as merchants, factors or writers, to look after their enterprises, prepare investments of goods for the English market, and assist in the performance of other details of their commercial speculations. The salaries and emoluments given to their servants in India being small, in proportion to the extent of their business, the selection of proper employées was a responsible duty, and not a source of extensively coveted patronage. The Directors themselves were chosen for their knowledge of commercial transactions and capacity for commercial pursuits, without reference to administrative qualities. But since, in consequence of the change in the character of the East India Company, the Directors are required to be qualified not as merchants, but as Indian statesmen, it is obvious that the principle on which, and the persons by whom they are selected, should undergo a corresponding alteration. The Board of Control was appointed with reference to the inconsistency of placing under a body of merchants the government of extensive territorial possessions, and with a view to the political acts of that body being under the actual direction of Her Majesty's Government. Accordingly, it was and is composed of a portion of Cabinet Ministers, but the chief responsibility is commonly understood to The Home Government. Court of Directors. Salary, 300 *l.* Patronage.

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to be left with the President of the Board, who holds no other appointment in the Ministry, and alone receives a salary as a member of the Board. The control of the Board extends to a part only of the acts of the Directors. The latter, therefore, are in many respects, particularly in the disposal of their patronage, without any check or responsibility. In those matters in which the responsibility of the Directors to the Board has been provided for, the control exercised is either indirect or liable to be resisted. The Directors may be compelled to issue orders affecting great political interests, without knowing, or, at least, without approving their tenor. The same Directors may recall a Governor-general who is in the confidence of the Ministry, but is adverse to the objects of the Directors' patronage, and thus defy the powers of the Board set over them. They have the power of instructing the Legislative Council of India to enact what laws they please, and abrogating any laws that have been passed by that Council; and it will be in vain for the people of India to offer any remonstrances to a body so constituted and vested with such powers. The people of India too are often at a loss to comprehend from whom certain measures emanate, whether from the local Government, by whom they are promulgated, or from the Directors, under whose instructions the Government act, or from the Board of Control, who have the right to prescribe the instructions which shall be sent to the Government for their guidance. Hence, they are precluded from offering remonstrances, not knowing but that the authority remonstrated with may have been acting entirely under dictation. Although it is fit that the general direction of the affairs of India should rest with Her Majesty's Ministers, subject to the controlling authority of Parliament, yet it seems obvious that the persons who have to deliberate on the questions which arise relative to the good government of the country, should be men not only of great abilities, but sufficiently acquainted with the country whose destinies are to be placed in their hands, and, at the same time, taken from such different classes as to ensure a freedom from all class and other sinister influences. Your Petitioners therefore submit that, on the grounds set forth, the future management of the affairs of British India should be vested in one body, consisting of not more than 12 members, half of whom may be nominated by the Crown, and the other half elected by a popular body, but all of them holding the appointment for five years, and going out of office by rotation; that a suitable salary should be attached to the office, not only to secure men of the best abilities, and to ensure their giving a sufficient portion of their time to their duty, but also to serve as a compensation for the loss of patronage which may ensue from any arrangements which Parliament may see fit to make. In the formation of a Board for the management of the affairs of India, on the principle above adverted to, your Petitioners submit, that the preference ought to be given to those candidates who have resided in India for a certain number of years, whether in or out of the service of the East India Company; and a method may be easily devised by which such candidates may be returned before those who do not possess that advantage. While, on the one hand, a Board so constituted will be more directly under the control of Parliament than two distinct Boards, with differing powers and divided responsibility, it will, on the other, be maintained at a less cost, and the government of the country will be carried on without those dissensions and other consequences which must arise from an opposition of interests.

Irresponsibility.

7. That your Petitioners submit that the election of the members of the Board should not be wholly confided to the proprietors of East India Stock, who are a body comparatively small in number, and therefore easily liable to be brought under improper influence, and without sufficient motives to seek for the good government of the country. When the proprietors carried on their exclusive trade, they had the right to elect the directors by whom it was to be managed. At the present day they have no concern with India, beyond receiving the dividends, which have been guaranteed to them by the British nation, as the condition of throwing open that trade. It is proper, therefore, that other parties should be associated with them as an elective body, who have a deeper and more direct interest in the welfare of the country and the improvement of the administration. Your petitioners accordingly submit that Native and European British subjects resident in India or in England, who are holders of the East India Company's promissory notes of four or five per cent., to the value of 25,000 or 20,000 rupees respectively, should be allowed to vote in the election of members of the Board of Management for the affairs of India, and with that view should be allowed to transfer the same to a local India stock, at the rate of interest they now receive; and that after 12 months' registry *bonâ fide* in their names, they should be allowed to vote in person or by proxy, under the same rules which govern the votes of the present proprietors. Your petitioners also submit, that the privilege enjoyed, under Section 28 of the Charter Act, by proprietors of East India stock, resident in England, to vote by attorney, should be extended to proprietors resident in India, and that these should have power to send their letters of attorney to England, within six months of the date fixed for the election of members of the Board for the management of the affairs of India. It should, however, your Petitioners think, be made a rule, that proprietors of stock of either description, who hold office under Government, should not be allowed to vote during their incumbency.

No tie with India.

Stock guaranteed.

8. That the constitution of the Government of India is calculated to prevent due attention being given to the internal administration. It is at present employed about the political and military concerns of a vast empire, in legislating for the several presidencies, and making arrangements for, and governing, the newly acquired territories, and in exercising a general supervision over the acts and proceedings of the several subordinate governors and other authorities. The Governor-general, or, in his absence from the seat of Government, one of the members of Council, has also the immediate charge of the Government of Bengal.

The Government of India.

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Bengal. Duties so multifarious cannot be satisfactorily performed; and as political and military matters claim primary consideration, all that concerns legislation and the civil administration is treated as matter of very secondary importance. Your Petitioners are therefore of opinion that, to ensure the well-being and good government of these extensive territories, the functions of the Supreme Government should be limited to the objects which more appropriately belong to it, namely, the disposal of political and military affairs, a control over the governors of the several presidencies, and a veto on the laws proposed by a Legislative Council specially appointed. The Supreme Council may consist of three members, immediately appointed by the Board of Management from among persons who have been employed in the civil departments, or otherwise have had local experience; and the Commander-in-Chief may be an extraordinary member thereof, but having a voice only as to military and political questions.

Relations of the Governor-General with the Council.

9. That your Petitioners are humbly of opinion that both experience and expediency require a modification of sections 49 and 70 of the Charter Act. The former, by authorising the Governor-general to act on his own responsibility, contrary to the opinions of the Council, practically invests him with absolute power. Such power, if given at all to an individual, should be confined to extreme cases, and the occasions on which it may be exercised should be accurately defined. The authority conveyed by the latter section to the Governor-general to go to any part of the country without the Council, in effect nullifies the design of appointing such a body, and at the same time furnishes him with a motive for leaving the seat of Government, to the detriment of public business.

Legislative Council.

10. That the union of political or executive power with the legislative, is not only anomalous in itself, but pregnant with injury to the interests of the people. It prevents sufficient attention being paid to the internal administration, so that the most important measures which are pressed on the attention of the Government, either receive a superficial consideration or are postponed for indefinite periods. On the other hand, the interests of the Government, or considerations connected with the Court of Directors or the objects of their patronage, are attended to as matters of primary importance, to the neglect or prejudice of the interests of the people, who have no direct mode of representing their sentiments to their rulers, and no reason to be satisfied that their representations will produce their due effect. Your Petitioners therefore submit that the Legislature of India should be a body not only distinct from the persons in whom the political and executive powers are vested, but also possessing a popular character, so as in some respects to represent the sentiments of the people and to be so looked upon by them.

Laws are now made by the Executive.

11. That it is a most unprecedented circumstance that, though the natives of India have, for the best part of a century, been subjects of the Crown of Great Britain, they have not, to this day, been admitted to the smallest share in the administration of the affairs of their country, but have continued under a Government that unites in itself the legislative and executive functions, and avails itself of those powers to make such laws as may subserve its own financial purposes, often without reference to the interests and wishes of the people. It is known to your Right honourable House that, from the commencement of that Government, the power of making laws and raising taxes has been exclusively in the hands of the Governor-general in Council, appointed by the Court of Directors, and that, till within a few years, the people knew nothing of the intention to pass laws till after they had been passed and translations sent to the courts in the interior; and that though at present it is the practice to publish drafts of intended laws, yet as there are no organized bodies to take their provisions into consideration, such publication is in almost all cases wholly insufficient. Moreover, the deliberations of the Legislature are carried on with closed doors, and the people have no opportunity, either of learning the grounds on which the laws are enacted, or of being heard by counsel when desirous of submitting their remonstrances.

No attention paid to remonstrances.

12. That not only are laws enacted without reference to the people, but they are enforced against the strongest complaints and remonstrances. Thus in violation of the pledge given by the Regulation XIX. of 1793, "That the claims of the public (meaning the Government) on their lands, provided they register the grants as required, shall be tried in the courts of judicature, that no such exempted lands may be adjudged to the payment of revenue until the titles of the proprietor shall have been adjudged invalid by a final judicial decree," a new species of court was created by the Regulation III. of 1828, which was presided over by the collectors of revenue, officers who were in every respect unqualified for the judicial office, but whose orders, when confirmed by one or more of the special commissioners, another special tribunal at the same time erected, were declared to be final, contrary to the meaning and intent of the 21st section of 21st Geo. 3, c. 70. But though several petitions were at the time presented to the Government from several parts of the country, complaining of the innovation, as well as of the hardship of the resumption proceedings which were carried on under the orders of the Government, no attention was paid to them, nor was any explanation vouchsafed as to the grounds of the law or the justice of the proceedings. From the Appendix to the Report from the Select Committee of the House of Commons on the Affairs of the East India Company, printed in 1832, your petitioners find that the Government, in reporting on the subject on the 23d February 1830 to the Court of Directors, "to whom alone," as they state, "they felt it incumbent on them fully to explain the grounds of their proceedings," remarked, "that to object to the inquiry and award of a collector on the ground that he is a Government officer, and must therefore be a partial judge, was a mere prejudice." The Court of Directors, in their reply of the 28th September 1831, your

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petitioners find, informed the Government that, after full consideration, they had "come to the conclusion that collectors should not be the judges in resumption questions;" but they gave no orders to rescind the objectionable law. From these facts, which are especially alluded to, because the proceedings of the authorities therein have been published, it will be apparent to your Right honourable House that even the power given to the Court of Directors to disallow laws passed by the Government, is inefficacious even as regards such laws as are contrary to all sound rules of policy.

13. That as a further example of the inattention of the Government to remonstrances, even when violating (to use the terms of the Charter Act of 1813,) "the principles of the British Government on which the natives of India have hitherto relied for the free exercise of their religion," your petitioners refer to the Act XXI. of 1850, which, under the guise of extending the principle of section 9, Regulation VII. of 1832 of the Bengal Code to the other presidencies, the provisions of which had never come into operation, alters the rules of inheritance of the people of this country, which are well known to be based upon their religious tenets, by allowing persons excluded from caste, whether on account of immoral or infamous conduct, or of change of religion, to inherit, contrary to the express rules of the Hindoo law. On learning the intentions of the Government, many of the people of Bengal and Madras united to remonstrate against it, on the ground of the guarantee given them that their laws and customs should be respected, and of its being the tendency if not the design of the intended law to facilitate proselytism to other religions. But these remonstrances were not even noticed by the Government, although sound policy and the pledges given to the people required that no alteration should be made in the rules of inheritance without their consent, especially when it could not be asserted that any public inconvenience had attended the operation of those rules.

Plan of a Legislative Council.

14. That for these and other reasons, too numerous to be detailed, your petitioners consider the power of making laws and raising taxes conferred exclusively on the Governor-general in Council, to be impolitic as well as unjust to the native subjects of the British Crown, even with the reservation of the power of disallowing laws made by them, which has been vested by the Charter Act in the Court of Directors. Hence they are desirous that the legislature of British India be placed on the footing of those enjoyed by most of the colonies of Her Majesty, and that legislation be carried on with open doors, so that the people may have full knowledge of the proceedings, and an assurance that their wants and interests will not fail to be cared for. They accordingly submit, for the consideration of your Right honourable House, the propriety of constituting a Legislative Council at Calcutta, composed of 17 members, three selected from among the most respectable and qualified native inhabitants of each presidency, to represent the natives thereof; one member appointed by the Governor of each presidency from among the senior civil officers on its establishment, to represent the interests of the Government; and one member appointed by the Crown, in the same manner as the fourth ordinary member of Council is now appointed, who shall be a man of legal education, and preside over the Council. The members of the Council should continue in office for five years, during which time they should hold no other office under Government. To ensure their acting independently of the influence of the Government, they should not be removable even by the Crown, as under section 74 of the Charter Act, the servants of the Company are removable at will by the Crown; but any member who may be accused of misconduct, may be liable to prosecution in the criminal court. The members should receive, during their continuance in office, honorary distinctions, such as are given to members of legislative bodies in Great Britain and the colonies, besides a reasonable salary. Until the people are considered qualified to exercise the right of electing their own delegates to the Legislative Council, the native members may be nominated by the Governor-general, in communication with the Governors of the several presidencies; but certain rules may, at the same time be framed, by which the people of any presidency or province may have the power of objecting on specified grounds to any appointment so made, for which purpose the appointments should be notified in the English and vernacular gazettes of the presidencies. The law commission, which was established by sections 53, 54 and 55 of the Charter Act should be abolished, as the purposes for which it was appointed will be fulfilled by a Legislative Council formed on the comprehensive basis herein suggested.

Board of Control.

Abolition of Law Commission.

Powers of the Legislative Council and the Supreme Council.

15. That in the event of the formation of a Legislative Council, distinct from and independent of the executive, being approved of by your Right honourable House, your petitioners submit that that body should have the same powers in regard to the proposing, making and cancelling of laws, as are now vested in the Governor-general and the four ordinary members of Council, but that the laws framed by them should be submitted to the Supreme Government for confirmation. The Governor-general in Council and the Governors of the presidencies, as well as any portion of the people by petition, should have the power of proposing drafts of laws to the Legislative Council, in the manner and on the conditions prescribed with respect to Governors, by section 66 of the Charter Act, that is to say, that the authorities named may propose drafts or projects of laws, with their reasons for proposing the same, and that the Legislative Council shall take the same and such reasons into consideration, and communicate their resolutions thereon to the authorities by whom the same shall have been proposed. The laws which may be framed by the Legislative Council should be submitted to the Supreme Council, with all the documents on which they may be based, or which may elucidate their object and tendency, and should receive the early attention of that Council; and as all the preliminary inquiries will have been made by the Legislative Council, and great

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great weight will be due to their opinions as representing the interests of the whole community, it will not be improper to require that the Governor-general in Council should communicate his sentiments thereon, within three months from the time they are submitted to him, or that on the lapse of that period his concurrence should be implied, except in the case of his previously informing the Legislative Council of his inability to come to a conclusion within that period. Whenever the laws so framed and submitted are disallowed by the Governor-general in Council, the grounds of disallowance are to be communicated to the Legislative Council, and that body are to have liberty to move the Imperial Parliament to pass the laws in question.

Control of Parliament.

16. That the power conferred on the Court of Directors by section 44 of the Charter Act, to rescind any laws passed by the present Legislative Council, is inconsistent with the independence and dignity of a legislative body. Your Petitioners submit that such power should in any case be taken away, and that the laws framed by the Legislative Council and approved by the Supreme Council on the plan above suggested, should not be liable to repeal or alteration, save by the paramount authority of Parliament. But if any Bill be brought in Parliament to repeal any act of the Legislature of India, or make a new law on any point affecting the inhabitants of India, 12 months' notice thereof should be given, to allow the Legislative Council, or any portion of the people, to take measures for being heard by counsel, at the bar of both Houses, on the subject of the Bill.

Declaration of non-interference with religion of the natives.

17. That your Petitioners take this opportunity to submit to the consideration of your Right honourable House, the propriety of embodying in the Act which may be passed for the regulation of the affairs of India, a declaration that the use of their religious laws and institutions is guaranteed to the natives; and that no laws subversive thereof shall at any time be passed by the local legislature or the Imperial Parliament, unless they be in consonance with the general feelings of the natives themselves. Your Petitioners have had reason hitherto to be satisfied as to the consideration entertained by Parliament towards the religion of the natives, an instance of which is to be found in the instruction contained in the 85th Section of the Charter Act, to provide with all convenient speed for the protection of the natives of the territories thrown open to Europeans, "from insult and outrage in their persons, religions or opinions." But so far from that instruction being complied with, the local legislature have, as already set forth, endeavoured to set aside laws founded on the sacred books, both of Hindoos and Mahomedans, and turned a deaf ear to the remonstrances which have been offered by large bodies of the former religious persuasion. Your Petitioners are aware that a declaration made in the present day will not hinder a subsequent Parliament, if so minded, from passing a law contrary thereto; but they are also aware that when the rights of the people of England have been endangered, declaratory statutes (of which the petition of right is a signal instance) have over and over been had recourse to, and have been found to be highly valuable for the assertion and maintenance of those rights.

Local Governors.

18. That the appointment of the Governor-general to be also Governor of Bengal, and in his absence a member of council to be Deputy-governor thereof, is very disadvantageous to the public interests. The Governor-general being usually a person without any Indian experience, and the Deputy-governor having, in more than one instance, been a military officer, without experience in civil business and the peculiar revenue and judicial systems of the country, and having no councillors to supply their deficiencies as to local matters, have necessarily been dependent to a certain extent upon the secretaries. On the other hand, the administration of the Government of Agra has in more than one instance been conducted in a satisfactory manner, in consequence to a certain extent of their Indian experience, by governors without a council; while the affairs of the Presidencies of Madras and Bombay, under governors who generally come to their governments unacquainted with the state of the country and the institutions of the people, and are compelled to rely on the aid of highly paid councillors, are not more satisfactorily conducted than those of Agra. Your Petitioners, with reference to these facts, submit that the public service will be best promoted by providing that each presidency should be under the management of a separate governor, but without councillors; that neither the Governor-general nor any member of the Supreme Council should, in any way, participate in the government of any presidency or any other portion of territory; and that the governors should be selected by the Board of Management from among the ablest civil officers of the presidencies to which they are appointed, or other persons of suitable qualifications and local experience, due care being taken to supply vacancies by making provisional appointments. Your Petitioners also submit that to each government there should be a secretary, qualified, by his knowledge and experience in the revenue and judicial departments, to give useful advice to the Governor, whom it should be the duty of the Governor to consult, and who should be required to offer his opinion in writing to the Governor, in all matters; that in all important cases, in which the Governor may disregard the opinion of the secretary, both of them should record their opinions, for the eventual consideration of the Governor-general in Council or the Board of Management; and that, under the secretary, there should be a sufficient number of deputies in each department.

Appeals from the Governors.

19. That by sections 65 and 68 of the Charter, the several governments have been placed in dependency on and subjection to the control of the Governor-general in Council; but your Petitioners submit that to render that subordination of practical benefit, an appeal to the Supreme Government from the orders of the governors should be allowed under certain limitations.

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limitations. On the other hand, to allow public officers to perform their duties with confidence, it should be a rule that no officer directly appointed by Government shall be removable from office except after a regular trial before a competent court for official delinquency. On the same grounds your Petitioners are humbly of opinion that the power vested in the Court of Directors, by Section 75 of the Charter Act, to dismiss their officers and servants at pleasure, should not be maintained, as regards public servants in India, holding civil offices by the appointment of the local governments. The power of removing a public officer ought to be exercised only on public grounds. Therefore, officers of the several governments in India should not be removable by the Board for the Management of the Affairs of India, except upon grounds recorded by them previously to removal, and every servant so removed should have the right of appeal to the Privy Council.

Economy in the public service.

20. That all improvements in the administration, however urgently called for, are now postponed, on the ground of insufficiency of resources. It is also generally admitted, by all persons qualified to judge of the subject, that the higher offices in India are too highly paid, but the lower ones very inadequately. Your Petitioners submit, therefore, without raising any question as to the method in which the revenues of the country are applied, although such question is not unworthy the attention of your Right honourable House, that there should be a reduction of the salaries of the higher offices, and that the saving thereby effected should, in part, be applied to the increase of the allowances of the lower, which are confessedly inadequate to their duties and responsibilities, and, in part, to those improvements which the condition of the country has long demanded at the hands of its rulers. The salaries of the Governor-general, the members of Council, the local Governors, and the principal covenanted officers, are on an exorbitant scale, and susceptible of great reduction without impairing the efficiency of the service. The Governor-general, in addition to his munificent salary, has all his travelling expenses, to an enormous amount, paid out of the public treasury, without control or responsibility. Such a state of things may fairly be thought to operate as an inducement to the individual holding the office to leave the seat of government without sufficient reason. It seems, therefore, expedient that the Governor-general should not have his travelling expenses paid out of the treasury, without limit or restriction, but according to fixed rules, and that such allowances should be granted only when it may appear, from a resolution of the members of Council, that his presence is required by the exigencies of the state at a distance from the seat of Government. Much public treasure is also expended, without any corresponding advantage, in paying extravagant salaries to Residents in the courts of the princes of India and other political officers, and to a large staff of assistants, and in granting large allowances to those officers for keeping a table, and other useless purposes. As the inhabitants of the country who contribute towards the revenue which is thus lavishly expended derive no benefit therefrom, it is just and proper that the opportunity should be taken to introduce an unsparing economy in these and other branches of the public services, and to apply the proceeds to those public works which may promote free intercourse between distant places, and facilitate the transport of merchandise to the farthest extremities of the British dominions.

The civil service.

Haileybury.

21. That section 103 of the Charter Act declares it to be "expedient to provide for the due qualification of persons to be employed in the civil service of the Company;" but the only provision which it makes for fulfilling the purpose consists in regulating the number of candidates to be admitted into Haileybury College, and the number of students of the college who, after passing "an examination in the studies prosecuted in the said college," shall be "nominated to supply the vacancies in the civil establishments in India." No provision was made for giving public employments to any other description of persons, however qualified by their ability and local experience; and from the want of it the people were left to understand that the declaration in section 87 of the Charter Act was merely nominal, and that the natives of the soil, who, under former governments, were without distinction admitted to the highest posts, were ineligible for public office under the British rule. It is, however, acknowledged by most persons in India who are competent to judge, and not biassed by interested motives, that the present mode of filling the most important public offices is prejudicial to the interests of good government, and incapable of improvement, except by a radical change in the system. The civil servants selected by the Directors are sent out to this country before their capacity can be ascertained; the education they receive in England is insufficient to fit them for the various offices they are destined to fill; they are posted to important offices at an extremely early age, without the certainty, without even a reasonable probability of their possessing the requisite qualifications; they are removed from one office to another of a dissimilar kind, and from one province to another, different in respect to language and people, without being afforded opportunity to acquire sufficient experience; the certainty that they are to be provided for, and even promoted, by seniority or home influence, renders some of them indisposed to qualify themselves by diligent study of the laws and regulations, and the customs and manners of the natives; their inexperience and official inaptitude lead many to depend, to a late period of their public career, on their ill-paid ministerial officers; their peculiar advantages and connexion with each other, by birth or marriages, lead them frequently to regard themselves as a distinct and privileged class, and to treat the other classes of the community with arrogance and harshness, and support each other's errors and defaults; the charges preferred against them for corruption or official misconduct are not investigated in a public manner, or by a tribunal in whose impartiality the public have confidence, but, on the contrary, the general impression

sion is, that the preferring of charges is as much as possible discouraged; they are not liable to personal prosecution in the Company's courts for acts of injustice and oppression, and the Government have endeavoured to shield them from the consequences of prosecutions in Her Majesty's courts, by declaring, in the terms of Act XVIII. of 1850, that they are not to be held responsible if they believed themselves to have acted in their official capacity. The punishment inflicted on them by the Government for the grossest irregularities and faults are almost nominal, and, in most cases, officers removed from one department in consequence of misconduct, are merely transferred to another. There are, of course, many bright exceptions among the civil servants of the Company to the general description here given. Many of them would do honour to any service, both in point of ability and of conscientious discharge of duty. But your Petitioners are speaking of the system which admits of the evils they are pointing out. Your Petitioners are therefore of opinion, that the College of Haileybury, which is maintained for the education of civil servants, should be broken up, as an institution in no respect fulfilling the objects for which it was established, or, if maintained, that it should be made self-supporting; that if any portion of the patronage to offices in India is, for any reasons which may appear sufficient to your Right honourable House, to be continued in the future Board for the Management of the Affairs of India, it should be rendered conditional on the selection of persons of unquestionable fitness and capacity; that the rest of the offices in the country should be thrown open to the natives on the same condition, and that promotions should be made by the local governments, without respect to distinctions of covenanted or uncovenanted, European or native, but solely with reference to the talents and qualifications of the parties, and thus effectually carry into effect the intentions of Parliament, expressed in the 87th section of the Charter Act.

22. That your Petitioners submit that not more than a moiety of the patronage should be vested in the Board for the Management of the Affairs of India, exclusive of appointments of Governors-general, Governors of presidencies, and members of the Supreme Council, and military and naval officers; and that the other moiety should be assigned to the Governors of the several presidencies, for the benefit, with some exceptions, of the natives, without reference to descent or creed. It should be provided, however, that instead of selecting youth whose character and abilities are not sufficiently developed, and who are afterwards to enter college, to prosecute studies which are deemed necessary to qualify them for office, the Board of Management and the Governors shall be at liberty to select those persons who have obtained a suitable education at their own expense, at any establishment which they may prefer, and who have given evidence of their proficiency by undergoing such examination as it may be determined to prescribe. By thus throwing open public offices to public competition by British youths in the United Kingdom, and by native youths in India, the expense of educating young men for public offices will be avoided; the temptation which now exists to confer patronage on grounds of family connexions, friendship or obligations will be taken away, and suitable persons will be chosen for offices, instead of offices being provided for men. Moreover, instead of providing for one examination as to fitness for admission into college, and another as to qualifications acquired there, which examinations are practically found to be (as it is generally supposed by reason of private interests) more nominal than useful, it will be necessary to have one set of examiners in England and one in India, and the test of qualification may be made as rigid as can be desired. Nor can it be alleged that many educational establishments will not be found in England and India, adapted to qualify young men for public service, by imparting to them education of the requisite standard, a fact which itself demonstrates the inexpediency of maintaining, at a great expense, the College of Haileybury. Such a system of public competition for admission into the civil establishments of India being established, the Board of Management may select, out of the candidates who pass a public examination in England, the number of persons they have the privilege of nominating, and such persons should, on passing an examination in India, in the vernacular languages, be eligible to the higher offices, with reference to their age, experience and talents, in common with those who have hitherto been sent out under covenants. In the same manner, the several Governors should have the right to select out of the natives who are declared eligible after examination in India, the number they are entitled to appoint. The selection of the Governors should be confined, except in special cases, to the natives; because, if a latitude is given, the result will be that the preference will, for the most part, be given on other considerations than merit, and the selection of natives will form merely an exception to the general rule. To provide for special cases, the Governors may be authorised, whenever they see need, to select for the higher offices others than natives, after they have undergone the examination prescribed; and whenever such special appointments are made, it should rest with the Board of Management to confirm them or not, according as they are satisfied as to the validity of the grounds recorded by the Governors for departing from the general rule. It should, however, be distinctly provided, that the salaries of Europeans and natives, who are appointed after passing the prescribed examination, should be equal, and the two classes should be in every respect on a footing of equality. It may be advanced that the natives, who are in their own country, do not require to be paid so highly as those who are sent out from the United Kingdom; and indeed this is the principle acted upon by the local governments, in pursuance, part no doubt, of the instructions laid down for their guidance. But a proposal to lower or raise the salary of an office, according as it is to be enjoyed by a person from the north or the south part of Great Britain, would justly be considered both absurd and invidious; and the adoption of it would be especially impolitic in India, where

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it could not but have the effect of perpetuating distinctions between Europeans and natives, and introducing all the injurious consequences incident to distinctions of colour and creed.

23. That it being essential to the good government of the country, as already set forth, that full effect should be given to the provision of section 87 of the Charter, that all offices shall be open to all persons without distinction of caste, colour or creed, your Petitioners submit that the distinctions of covenanted and uncovenanted should at once be abolished, so far as may be consistent with the present arrangements, and with the rights which may be considered to belong to those who have been sent to India under covenants. The enactment of the rule just cited is a proof that the civil servants now on the establishment cannot claim the right to be appointed or promoted to particular offices, and that, without injury to their rights, any persons not of that service may be appointed to any offices for which they may be qualified. And your petitioners desire merely this, that appointments and promotions should be dependent strictly on qualification and merit; so that, on an office being vacant, such person only should be appointed to it as may be judged best deserving, whether he be a member of the civil service, or a person who has been selected after examination in England or India, or a person who has qualified himself by serving in any subordinate capacity. The same end may be effected by placing civil servants and other servants, as far as practicable, under the same rules in regard to their tenure of office and privileges, such as leave of absence and so forth. The distinctions at present existing on these points are as marked as they are unjust, such as that the covenanted servant cannot be dismissed without trial by a commission, while the uncovenanted may be removed without any proved misconduct, on the mere report or the pleasure of his superior officer; and that the covenanted officer should be allowed opportunity to recruit his health with small loss of salary, but the uncovenanted, in most cases, only on the condition of giving up his post. From the abolition of such distinctions, your Petitioners expect the most important benefits to India, not only as the means of imparting a healthy tone to all classes of public officers, but as the germ of freedom and independence among all ranks of the people. Keeping these circumstances in view, your Petitioners have entered into details which they would not otherwise have obtruded on the attention of your Right honourable House: and with reference thereto they would add, that persons who pass a successful examination in this country, but fail to be selected by the Government for the higher posts, within three years from the date of examination, should undergo a second examination to become again eligible for the higher posts, but they may be furnished with diplomas which shall entitle them to a preference over other untried candidates, in obtaining any inferior situations which they may apply for. Thus provision will be made for filling superior as well as inferior offices with duly qualified persons, who shall have constantly before them motives for further improvement, in the prospect held out to all, without exception, of rising to the very highest dignities.

The judicial system.

24. That the Company's courts are not so constituted as to render substantial justice to the natives, or afford them a just confidence as to security of life and property. It is a cause of further dissatisfaction that there should be one court specially for the Europeans, of which the judges are selected from among persons who have given proof of their legal fitness, and the advocates are persons who have undergone a course of legal training, and another court for the natives generally, of which the judges have no legal knowledge or experience before their appointment, and the pleaders are very insufficiently qualified for their important duties. That dissatisfaction is aggravated by the facts, that a special exception is made by section 46 of the Charter Act against granting to any of the Company's courts the power of life and death over British subjects, while the lives of natives are freely placed at the disposal of courts clearly implied to be ill-constituted; that while, owing to the numerous reforms required in the laws and forms of judicial procedure in this country, the objections of British subjects to the Company's courts and the Company's judges have been allowed, those courts and judges should be deemed quite good enough for them; and that, out of the large revenues which are yielded by the proceeds of their labour, a sufficient sum should not be appropriated towards rendering the courts really capable of affording them justice. Without desiring that British subjects should, by being subject to the local courts, be deprived of the benefit of good laws, administered by qualified judges and juries of their countrymen, your Petitioners humbly conceive that there should be equal laws and good courts for all classes of Her Majesty's subjects, without exception, and not one set of laws and courts for British subjects, and another set of laws and courts for natives. The appointment of a law commission, under the 53d section of the Charter Act, with the view that "a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in these territories at an early period," has been wholly inefficacious, and the commission has, consequently, been for many years in abeyance. The instructions contained in the 82d and four following sections of the Charter Act, to provide against any mischiefs or dangers that may arise from the free admission of Europeans into the territories administered by the Company, have also been inoperative; for although by an Act of the local legislature (IV. of 1837) it is declared that Europeans shall be subject to the laws under which natives acquire and hold property in land, it has been found that the penalties to which the latter are subject do not apply to the former, in consequence of their exemption from the criminal law of the country; so that while a native proprietor of land is punished by the magistrate, his European co-sharer in the same estate cannot be visited with any punishment.

25. That

25. That the civil courts of the country are composed of two classes, namely, those to which natives are usually appointed as judges, and those to which European civil servants are exclusively appointed. The highest grade of native judges, styled principal sudder ameens, receive salaries (400 rupees per month, and in special cases 600) not greater than are commonly given to clerks in public and private offices, without any prospect of promotion to a higher office, but are vested with power to try all civil suits for property of any amount, and also to hear appeals from the decisions of the lower courts. The civil servant is appointed on a salary of at least 2,000 rupees a month, with a prospect of rising to the highest posts, and is expected almost exclusively to decide those appeals which involve a value not exceeding 5,000 rupees. Being selected to be the judge of an appellate court, without having acquired any experience of judicial business or any knowledge of the forms of the lower courts, his decisions, whether passed under the dictation of the ministerial officers, or in accordance with his own notions, are devoid of weight. But while the decisions of experienced native judges are liable to be reversed by a single European judge, without any judicial experience, the decisions of the same judges regarding property of a higher value than that above mentioned are appealable to the Sudder Dewanny Adawlut, and cannot be reversed without the concurrent opinions of two judges of that court. The decisions of that court, as exhibited in their printed reports, show, that from 1845 to 1851, out of 2,667 appeals heard from the decisions of covenanted and uncovenanted judges, the decisions of the covenanted judges were confirmed in 215 instances, reversed in 167, and remanded for further investigation in 683, while those of the uncovenanted judges were confirmed in 559 instances, reversed in 238, and remanded in 667 instances, from which your Right honourable House will perceive that, on the whole, the decisions of the uncovenanted were more satisfactory to the Sudder Court than those of the covenanted, and that nothing can be more anomalous than the position in rank and emolument which the two classes occupy.

Inadequacy of native salaries.

Appeals.

26. That the criminal courts of the Company are those of the magistrates and the sessions judges. The former act in the double capacity of superintendents of police and judges of cases not liable to a sentence exceeding three years' imprisonment. In the former capacity they have been acknowledged by their superiors to have a strong leaning towards the conviction of those who are brought before them for trial. In the latter capacity they are authorised, in certain cases, even to adjudge imprisonment and fine without appeal, and in general they exercise, according to the admissions of high authorities, powers which are not committed to magistrates in any civilized country, and for which they are disqualified by their youth and inexperience. Commitments made by them are tried by the sessions judge, with the aid of assessors, composed at his option of a Mahomedan law officer or two or more natives. The opinion of the law officer cannot be set aside except by the Nizamut Adawlut; but when other assessors are employed, the decision rests exclusively with the sessions judge. Cases involving capital punishment, and some others, are referred to the Nizamut Adawlut, and appeals from the sentences passed by the sessions judges are also heard by that Court. It will be evident to your Right honourable House, that when the trials have been held in the first instance before an officer not sufficiently qualified for the duties of his high office, without any of the securities to be found in the verdict of a jury, or even the presence of advocates qualified to act as a check on the judge, the transfer of the record of trial to a distant court, the judges of which, for the most part, hear the records, which are in a foreign language, read to them, either in their private dwellings or in court, cannot in any manner supply, but must rather increase the defects of the original trial. Nor can the people of this country understand, when every Briton is entitled to be tried by a jury of his peers, why they should not enjoy the same privilege.

Criminal courts.

27. That, for these and other reasons, your petitioners are desirous that both the civil and criminal courts of the country should be remodelled; and that, instead of the numerous, complicated and defective systems, there should be courts guided by uniform rules of procedure, presided over by judges qualified by education and legal abilities, and having full authority over all classes of persons without exception. To this end your petitioners submit, that the Sudder Court and the Supreme Court should be amalgamated as soon as possible; and that courts should be formed on the same principle for every district, having the same rules of procedure, with jurisdiction over all classes of the inhabitants, both at the presidency towns and in the country. The local laws should be the guide of the new courts, except as to questions of marriage, inheritance, and so forth, in regard to which the laws of the parties should be followed as heretofore. The courts formed on the principle alluded to at the presidency towns, should be courts for the hearing of appeals from the lower courts, and for controlling the proceedings of those courts. In the same towns, civil courts of first instance should be established under single judges, which should also be courts of sessions, in which trials should be held with the aid of juries. At Agra, where, though the seat of the new presidency, there is no Queen's court, a chief court should be established, similar to the new courts at the presidency towns, consisting of a number of judges of the Sudder and one judge on the part of the Crown. In framing rules for it, the technicalities of the English law should be avoided. Its proceedings should, as far as practicable, be in the vernacular language. As the wants of the judges of the Sudder Court at Calcutta are supplied by translators, who prepare English translations of the vernacular pleadings, so additional translators may be employed to facilitate a knowledge of such pleadings by judges of the new court, so as to relieve suitors from the expense of preparing pleadings in English, until, in course of time, judges can be found who are familiarly acquainted with the languages of the people. Oral pleadings may be carried on in English or the vernacular, according

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according as the pleaders employed are conversant with either language, following herein the rule which has been introduced since the admission of barristers to plead before the Sudder Court.

Courts in the interior.

28. That for the districts in each presidency, it is expedient to remodel the civil and criminal courts, to promote their efficiency and render them capable of affording justice to all classes. For the present, and with a view not to entail much expense at the outset, three grades of judges and courts may be established, having both civil and criminal jurisdiction,—moonsiffs, principal sudder ameens, and judges. The moonsiffs should have jurisdiction in civil suits, but extended from the present limit of 300 to 1,000 rupees, and on the criminal side they should be empowered to try misdemeanors and petty felonies, and to commit to the sessions cases beyond their competency to try. Their salaries should be raised, so as to be adequate to their duties. They should have, according to extent of local jurisdiction, assistants, selected from diploma holders, on a sufficient salary, including travelling charges, who should be employed in the preparation of cases, and in holding local inquiries in the place of ameens, officers who are now employed in such duties. The commission which is paid to these may be carried to the credit of Government. The assistants will thus qualify themselves for judicial duties, and should be considered entitled to promotion after three years' service in the lower capacity. The principal sudder ameens should have jurisdiction, as at present, in all original suits for an amount exceeding 1,000 rupees. The salary of the office should be made proportionate to its importance, and the designation altered to that of junior judge. The judge should have jurisdiction as to original suits; but in trying appeals from the moonsiffs' decisions, he should sit with the junior judge, but, in case of difference, have the casting voice. When the two functionaries are unanimous in deciding an appeal, both as to the law and the facts, the special appeal to the superior court may be limited to points of law; but when they differ as to facts, the special appeal may be both as to the law and the facts. In such civil suits as affect the person or character, as for libel, assault, and so forth, either party may call for a jury. The verdict of the jury may, as suggested by the Commissioners on the Amendment of the Law, be given according to the opinion of three-fourths of the number if they cannot come to an unanimous conclusion before six hours, and such verdict should be binding on the judge. With reference to the relative powers of the judge and the junior judge, and the frequent chance of the decision of the latter, owing to his superior judicial experience, being better than that of the less experienced officer set over him, by the fortune of belonging to a privileged class, it is inexpedient that the decisions of the one should be appealable to the other. The decisions of the judge and the junior judge at their separate sittings should therefore be directly appealable to the superior court at the presidency. This arrangement will obviate the anomaly of one appeal being decided by a single judge, and another by three judges, for no other reason than that, in the former, the value of the subject of dispute may amount to 5,000 rupees, and in the latter to one rupee more. It will also diminish the number of special appeals which are now preferred, and which the Sudder Court are under the necessity of discouraging to avoid being swamped by them; it being obvious that, however cogent the reasons which induce the Government to place an officer who is wholly without judicial experience over one who has grown grey in the judicial office, they cannot prevent the people from being dissatisfied with the decision of the youthful superior, when it is counter to that of his older subordinate. For the same reasons, it is obviously improper that the judge should have to report annually on the qualifications and conduct of his junior colleague, and even be empowered, in conjunction with the commissioner of revenue, to recommend his dismissal. Both the officers should, therefore, be as much as possible on a footing of equality, such as exists between the chief and puisne judges of the Queen's courts, and placed directly under the control of their mutual superior court. It may not be out of place to add here, what has been suggested with regard to public officers in general, that no judicial officers, whether Europeans or natives, should be removable from office, except by a regular trial before a competent court. To ensure the offices of judge and junior judge being, in future years, filled by persons of judicial experience, not liable to the objection to which covenanted judges are open under the present incongruous system, such as the appointment of postmasters and superintendents of the opium, salt and abkaree departments to seats on the bench of appellate courts, without previous legal training, it should be provided that persons, who have, after examination, been sent out by the Board for the Management of the Affairs of India, or in a similar manner selected by the local Governments, to fill the higher civil offices, shall commence their career in the judicial line by being appointed as assistant judges, and attached, some to the court of the judge, and some to that of the junior judge, to be employed nearly in the manner mentioned as regards assistants to moonsiffs, and promoted after due probation, according to the aptitude they may display. As mentioned with regard to moonsiffs' decisions in civil suits, appeals from the sentences of those officers in criminal cases should be heard by the judge sitting together with the junior judge, whose order shall be final when both officers are agreed, but subject to special appeal to the Nizamut Adawlut when otherwise, in the same mode as is provided regarding civil cases. Persons committed to the sessions should not be tried with the aid of Mahomedan law officers, or with any of the descriptions of assessors sanctioned by the Regulation VI. of 1832 of the Bengal Code, but invariably by a jury of their peers, whose verdicts shall be taken in the mode suggested with regard to civil suits. In the trial of commitments, as of appeals, the judge should be joined with the junior judge. But the sentences passed should be subject to appeal to the superior court on points of law only.

29. That

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The police and magistracy.

29. That the police of the country has always been in a state not at all creditable to an enlightened Government, and has, indeed, been acknowledged by the servants of Government to be "as bad as can be."* The Court of Directors have, it is true, expressed themselves solicitous of the improvement of the police at any cost, but their solicitude has been without any effect. The Government, on appointing a Police Committee in 1837, to hold inquiries on the subject, strictly prohibited the suggestion of any reforms which should "involve any great increase of expenditure." From that date to this, no reforms have been attempted beyond the appointment of a few deputy magistrates, and, very recently, of a Commissioner for the suppression of dacoity in certain districts. Hence the utmost insecurity of life and property prevails in every district, and even in the immediate vicinity of the metropolis of British India. The Government have always possessed considerable resources for forming an efficient police, derived in part from the allowances or produce of lands which had been originally assigned for the police, but were resumed by the Government with a view to be applied to their legitimate purpose, but chiefly from the produce of the stamp tax, which was expressly imposed, with the exception of certain items, "for defraying the cost of the police." But out of an estimated revenue of thirty lacs of rupees so appropriable, not more than about seven lacs is actually expended on the police establishment of the whole of the Lower Provinces. The Government, however, instead of defraying a suitable sum for the maintenance of an efficient police, have recently published the draft of a law to convert the village watchmen, who are paid for immediately by the cultivators of the soil, into servants of the state, and to make the zemindars responsible for the default of the ryots in paying their private servants, a project which cannot but result in compelling the zemindars to pay twice over for the establishment of the police. Again, the zemindars, who have no necessary connexion with the police, have been arbitrarily burdened, by laws made without their knowledge or consent, with sundry duties which ought properly to be discharged by the covenanted servants and the subordinate police officers. The imposition of these duties, without being of any benefit to the country, is converted into an instrument of annoyance to the zemindars, by the magistrates and their ministerial officers, and of extortion by the darogahs. The zemindars are frequently summoned, though living at the other end of the province, to appear in the presence of the magistrate, to explain the cause of their not furnishing information of crimes of which they had, and could have had no knowledge; and the managers of their estates are frequently fined or even placed in duress for various alleged omissions of police duty, and in various other ways harassed by the ignorance or caprice of youthful magistrates. It has even been known that landholders residing at the distance of 50 or 60 miles from the scene of a dacoity, have been fined for not following and apprehending midnight robbers. The darogahs and other officers of police are furnished by the same ill-judged laws with means of practising extortions, by employing threats to report alleged instances of neglect of duty. The insufficiency of the police arises, not only from the small establishments maintained by the Government, but from the extensive jurisdiction of the magistrates, and the practice of appointing very young men to that office, and removing them to higher posts as soon as they begin to acquire experience. The extent of country which is to be travelled over to arrive at the station of the magistrate, the difficulty of obtaining access to that functionary, except through the medium of the ministerial officers, the necessity of presenting every petition in writing and on a stamped paper of the value of half a rupee (about four times the value of a labourer's daily wages), combine to render it a matter of impossibility to the poorer classes to obtain justice from the criminal courts. The large powers vested in the darogahs are liable to abuse, owing to the insufficient remuneration they receive, and the difficulty of exercising proper control over them. Their entrances into villages to trace out the perpetrators of heinous offences, or discover property alleged to be stolen, are regarded by the people as visitations. The fact is so notorious, that the Government have found it necessary to pass a law, the Regulation II. of 1832, to prevent the darogahs from investigating any cases of burglary, unless expressly desired by the party injured or directed by the magistrate. Hence it is difficult adequately to represent to your Right honourable House the actual situation of the poor in the interior, in consequence of the badness of the police system, since those who are most exposed to the attacks of the powerful and the lawless have most to dread the exactions of the officers of police, many of whom are actually in the pay of the rich, while some have been convicted of practising torture to attain their ends.

30. That, to remedy such a state of things, it is urgently required that a suitable augmentation of the police be made for the repression of dacoity and other crimes attended with violence, as well as that a sufficient number of magisterial officers, unencumbered with extraneous duties, be attached to every district. With reference to the increase of a sufficient police force, your petitioners desire to bring to the notice of your Right honourable House, as a most anomalous circumstance, that, according to the returns printed by authority, while the highest annual cost of the police of Bengal, which yields a larger revenue, and is more populous, was *Rs.*10,24,142, the lowest annual expense incurred on the same account in the North-western Provinces was *Rs.* 17,30,000, and the highest *Rs.*26,94,616. But whatever may be the requirements of the new presidency in this respect, your petitioners submit that a certain amount of the revenue expressly raised for the police should be spent for that purpose. The present system of village watch, which is entirely supported at

* *Vide* Police Committee's Report.

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at the cost of the ryots, is capable of being used as an auxiliary to the Government police; but the arrangements which may be considered necessary to adapt it to that end should be introduced with the approbation of the people generally, and without destroying the municipal character of the institution. Changes are also required in the office of the magistrate and his subordinates. The office of the superintendent of police for the whole of the Lower Provinces is inadequate to fulfil the objects for which it was re-instituted. The magistrates should perform the duty within their respective districts, but should have no judicial duties to perform. The office should also be everywhere separate from that of collector of revenue. At present a darogah is placed over a large extent of country, termed a thanna, but the arrangement is in many respects objectionable. The thannas should be broken up into a sufficient number of stations, with a jemadar and a certain number of burkundazes at each, according to local circumstances. A deputy magistrate should be placed over every two of the present thanna jurisdictions. The deputy magistrate should make the preliminary inquiry into every charge, and refer misdemeanors and petty felonies to the moonsiff's court for trial. Cases which appear to involve heinous crimes should be sent to the magistrate, who, if agreeing in the opinion of the deputy, should commit them to the sessions for trial. Cases referred to the moonsiff, which may be discovered by him to be of a heinous nature, should be committed by him to the sessions through the magistrate. The magistrates should be exclusively under the control of the Government, as now with regard to police duties, gaols, &c. It has been stated before that the magistrates act without being amenable to any tribunal for their irregularities. Your Petitioners therefore submit that the magistrates and their deputies should be liable for acts beyond their jurisdiction, and for undue exercise of authority, to actions for damages, which should be tried before the judge and the junior judge, with the aid of a jury. The proceedings of those officers should also be liable to be brought before the sessions courts by a writ of certiorari or other analogous proceeding.

Monopolies.

31. That the monopoly of the salt trade by the Company injuriously affects the poor, particularly those who inhabit the districts where only that manufacture can be advantageously carried on, as it interferes with their freedom of action and prevents saline lands, which are unfit for cultivation, from being appropriated by the owners to the manufacture of salt. Even the zemindars of such places are liable to severe fines, if unauthorised manufactures of salt are discovered on their estates, though unknown to them, so that they are compelled to act as revenue guards. A single zemindar has been known to be fined as much as 12,000 rupees at once The selling price of salt is arbitrarily fixed by the Government, and is at all times so high that, though the country has abundant resources for the manufacture of the article, English merchants can afford to import it. The dearness of the article induces even those who live near the salt manufactures to use earth scraped from salt lands, while those who reside in the interior have recourse to the alkali found in the ashes of burnt vegetables. The officers employed in the salt department are vested with judicial powers, contrary to all principles of justice and policy, and necessarily employ them very irregularly and vexatiously. The subordinate officers are furnished with opportunities, on pretence of preventing smuggling, of harassing the carriers of salt and the refiners of saltpetre. Your Petitioners are of opinion that, among other reforms required in this department, it is desirable that the Government, if they cannot immediately afford to forego so odious a source of revenue, should fix an unvarying rate of impost on the manufacture of salt, say 200 rupees on every hundred maunds, whereby not only the poor will be greatly benefited, but the laws will be rid of the anomaly of judicial excisemen and the traders of the harassment caused by the subordinate officers of salt chowkees. But as salt is a necessary of life, the duty on salt should be entirely taken off as soon as possible. The monopoly of the opium trade is not injurious to the country, so far as regards the revenue realized by the Government, as the monopoly price is ultimately paid by the consumers in China. But it is a source of vexation to the cultivators, who are compelled to cultivate the poppy, and supply the produce to the Government at the valuation fixed by their own officers. Nor can it be otherwise than that, the cultivators should be at a disadvantage, and be liable to oppression, when the other contracting party is armed with all the power and resources of the state. Justice therefore requires that the interference of the Government with the cultivation should cease, and that the revenue derived from the drug should be in the shape of fixed duties on manufacture and exportation, but principally on the latter, as is in some measure the case with regard to Malwa opium. By the adoption of this principle, the cultivators will possess that freedom of action which all men possess under governments that are not constituted on arbitrary and despotic principles; and whatever is lost by such an arrangement, will be more than made up by the saving that will ensue from the abolition of the expensive establishments which are now necessary.

32. That the abkaree duties, or revenue raised from the sale of spirituous liquors and intoxicating drugs, and the stamp duties, levied by obliging litigants and complainants to write their petitions on stamped papers, are highly objectionable in principle. The former are levied on the opening of shops for the retail of the means of intoxication, and tend to encourage the consumption of liquors and drugs by the lower classes, and the increase of all the pernicious consequences that result from it. The Government, by appointing commissioners of abkaree and a host of ambulent subordinates, termed superintendents of abkaree, whose zeal for the interests of their masters is measured by the amount of revenue yielded by their respective divisions, have, of late, largely contributed to the deterioration of the moral and industrial character of a portion of the population. Measures so pernicious cannot

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cannot be too severely condemned or too soon discontinued, even though a larger revenue were to be derived therefrom than is really the case. The legitimate purposes for which duties are imposed on the sale of liquors and drugs, will be sufficiently answered by imposing them on manufacture and exportation. The stamp laws, by which the other class of duties is imposed, also require material revision. The use of stamps in judicial matters does not answer the object for which they are avowedly imposed, namely, the diminution of litigation. On the contrary, they contribute to prolong litigation, as they involve on the courts, from the lowest to the highest, the duty of deciding points extraneous to the merits of the suits before them. For the purpose of the stamp revenue, every suit has to be valued according to certain rules laid down by the Legislature, the application of which is liable to much doubt and uncertainty. Hence questions are frequently raised as to the observance of those rules, and the decisions of the Courts of First Instance are subject to appeals to the higher tribunals; and many suits are nonsuited or remanded for re-trial, merely because the amount of the stamp has not been correctly estimated, however honestly the plaintiff may have formed that estimate. In some cases, when the plaintiff would willingly forego a portion of his claim, which may not stand on so clear a foundation as the rest, he is afraid to do so, lest his suit be altogether defeated by the objection that he has undervalued his claim, and that his stamp is therefore defective. The decisions of the Superior Court in the matter of stamps are not unvarying, and many constructions and circulars are issued to regulate the questions which arise, which are often modified or rescinded, circumstances which greatly distract and embarrass pleaders and judges in deciding such questions. And it may be fairly stated that not less than 10 per cent. of the decisions of the Company's courts turn entirely on considerations connected with this most absurd and injudicious system of raising a revenue. The operation of the stamp laws is still more directly injurious to the poorer classes in their pursuit of justice. Before they can prosecute a suit of any kind, they must not only incur the ordinary expenses of other courts, but also lay out, at the very outset, a certain sum in the purchase of a stamped paper, which in the most trifling case is a rupee, or eight times the daily hire of a labourer. Your Petitioners submit that laws of this description should not be permitted to exist. If a revenue from judicial proceedings be necessary, it may, with propriety, be drawn from those who maintain vexatious or groundless claims, or resist just ones, by imposing on them fines calculated on the scale of the present stamp law.

Revenue officers.

33. That the system of revenue administration pursued by the Company's Government is a source of vexation to all persons who stand in any relation thereto. The laws enacted for providing for the revenue are inequitable in principle, inasmuch as they provide for the interests of the Government, without regard to those of the subjects, and forbid the interference of the courts of justice to determine the fairness of the decisions of the collectors as to the amount of revenue assessed by them. The officers of revenue are vested with multifarious powers, being authorised in some cases to act as magistrates and also as civil judges, and thereby led at times to mingle together their fiscal and judicial functions, while many of their duties are left to be performed by irresponsible subordinates, who make use of their delegated powers to practise every species of extortion. The management of the revenue may be simplified by having, as has been recently done, but one Board for all branches of the revenue, with a sufficient number of members, both European and Native, who may go into the interior on circuit by rotation, and thus do away with the office of commissioner of revenue for a number of districts, which is shown by experience to be unnecessary under the present arrangements. The Board and the collectors of revenue should be divested of all judicial powers on the principle embodied in the preamble of the Regulation II. of 1793. The collectors of revenue should have deputies under them, according to size of district and extent of business. The salary of the office should be reduced, with reference to the relief afforded by the separation of revenue and judicial offices.

Works of utility.

34. That though the revenue raised by the Company, both from the land and from other sources, far exceeds what was drawn from the country by its Mahomedan rulers, a very inadequate portion of it is devoted to improvements in the means of land or water communication. On the contrary, the funds which are raised expressly for providing the means of such improvements, such as the ferry funds and the tolls on rivers and canals, are usually carried to the credit of the Government. Accumulations of those funds, to the extent of several lacs, still remain in the public treasury, unappropriated to their specific purposes. Your Petitioners therefore submit that the funds in question, at the disposal of the Ferry Fund Committees, should be expended on local improvements, subject to the approval of Government, and also that judicial fines in the criminal department should be added to those funds. In the event of a surplus, after providing for necessary works of utility, a portion thereof may be placed at the disposal of the Government for general purposes.

Education.

35. That no provision has been made by the Company's Government on a suitable scale for the education of the natives. The sum authorised by Parliament to be expended on educational establishments was for years unappropriated. Since the establishment of the Committee of Public Instruction, several colleges and other institutions have been established in various parts of the country, partly with the public money and partly with the aid of endowments and other funds derived from private resources. But the education of the mass of the people has as yet been completely neglected, a sufficient indication of which will be found in the fact, that the total sum expended by the Government for the colleges and institutions in the Lower Provinces does not exceed three lacs per annum. Your Petitioners submit that the diffusion of education in the country, which can only be successfully attained through

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through the medium of the vernacular languages, should no longer be neglected. They further submit that the university plan proposed by Mr. Cameron, late president of the Committee of Public Instruction, (in the Committee's Report for 1845-46,) should be established in each presidency. The plan provides for the admission of those who receive degrees in the law and other departments, to practise at the bar of the Supreme and Sudder Courts, and to be engineers in the Government service, and so forth. But it should be modified so as to provide for educated natives entering the medical service, on the same footing with persons who have hitherto been sent out as assistant surgeons by the Court of Directors. An express rule on the subject is necessary, as it is well known that the young men educated at the Calcutta Medical College, who obtained diplomas after examination in London, failed, notwithstanding the recommendations of several eminent persons, to obtain that position in the medical service, which they were entitled to from their qualifications and the declaration in the Charter Act.

Ecclesiastical establishment.

36. That the provisions in section 89 and other sections of the Charter Act, for providing an ecclesiastical establishment expressly for the advantage of British subjects, are out of place among the arrangements for the government of British India. That government is for a mixed community, the members of which are of various and opposite sects, and the majority is composed of Hindoos and Mahomedans. It is therefore manifestly inexpedient that the Government should have any connexion with the appointment of the ministers of any religion. All sects should accordingly be left to support the ministers of their respective religions in the manner they deem most suitable. Your Petitioners do not object to the appointment of chaplains to the European regiments that are sent out to this country, as is done in the United Kingdom, nor to the appointment of a chaplain-general in each presidency for the government of the chaplains, but to the support of bishops and other highly paid functionaries, out of the general revenues of the country, for the benefit of a small body of British subjects. They submit, accordingly, for the consideration of your Right honourable House, the expediency of discontinuing the connexion of the Government with the ecclesiastical establishment; and in order that this may be done at an early date, they suggest that the cost of these establishments be charged to those civil and military servants at each presidency town or station who enjoy the benefit thereof; and that an increase be made to the allowances of those servants to enable them to meet the additional expense imposed on them by this arrangement, but without being continued to their successors, who should be left to bear this expense among others incidental to their position in this country.

Your Petitioners, having thus briefly enumerated the points which they deem worthy of the consideration of your Right honourable House, in connexion with the Charter of the East India Company, now on the eve of expiry, and which, so far as they depend on questions of fact, they are prepared to support by evidence whenever required, humbly pray that your Right honourable House will be pleased to make such arrangements, for the government of British India, as to your wisdom and justice may seem fit.

And your Petitioners, as in duty bound, shall ever pray.

PETITION, complaining of certain Grievances, and praying for the Improvement of the Government of India, of NEWCASTLE and GATESHEAD COMMERCIAL ASSOCIATION.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the NEWCASTLE and GATESHEAD COMMERCIAL ASSOCIATION,

Showeth,

THAT, as it is intended to submit to Parliament some measure for the future Government of India, your Petitioners record their dissatisfaction with the limited extent of our commerce with that country, and the little progress made in the development of its varied resources.

That your Petitioners are of opinion,

Firstly. That it be regarded as the imperative duty of the Government of India to promote the cultivation of the soil, and to remove all obstacles which impede the progress of industry.

Secondly. That beyond making useful experiments, the Government should not be permitted to become cultivators, manufacturers or traders.

Thirdly. That the Government be compelled to expend a portion of the revenues collected in India in the development of the resources of the country, as well as to afford every facility for its profitable occupation; that with this view, such public works should be

be promoted as are calculated to facilitate intercourse with, or improve the physical condition of, the population, to increase the production of cotton and other valuable raw materials, as also to encourage a system of general industry.

Fourthly. That 10 per cent. of the revenues of India be applied to the public works above alluded to, such as the construction of trunk lines of railways, the formation and improvement of roads and bridges, the deepening and other improvement of rivers, the formation and care of reservoirs and canals, the erection of piers, and construction of harbours, breakwaters, lighthouses, and all other engineering agencies required in a civilized and commercial country, under the control of a Board of Works, nominated jointly by the Imperial Government and the Indian Executive.

Fifthly. That prompt attention be paid to the removal of evils now existing in India consequent upon the uncertainty of the due administration of justice and the prevailing ignorance of the people.

Sixthly. That an annual detailed report on all East India affairs should, as was formerly done, be laid before Parliament by a Minister of the Crown.

Your Petitioners commend these propositions to the favourable attention of your Honourable House, and humbly pray that they may have statutory effect in any legislation for the future Government of India.

And your Petitioners will ever pray, &c.

For and on behalf of the Association.

E. Wilson Challoner,
Chairman.

PETITION, praying that in any Legislation for the future Government of India, Provision may be made for its internal Improvement and the carrying on of Public Works in that Country, of the Master Cutler and Cutlers' Company of Sheffield, under their Common Seal.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the Master Cutler and the Cutlers' Company of Sheffield and Hallamshire, in Meeting assembled.

Showeth,

That Her Majesty's Ministers, having announced an intention to submit to Parliament, during the present Session, some measure for the future Government of India, your Petitioners are anxious to record their dissatisfaction with the limited extent of our commerce with that country, and their regret that so little progress has been made in the development of its rich and varied resources.

That your Petitioners are of opinion that, in any enactment for the future Government of India, the following suggestions should be adopted:

Firstly. That it be regarded as the imperative duty of the Government of India to promote the cultivation of the soil, and to remove all obstacles which impede the progress of industry.

Secondly. That beyond making useful experiments, the Government should not be permitted to become cultivators, manufacturers, or traders.

Thirdly. That in conducting their financial operations, the Government should be forbidden to become purchasers of any kind of produce on their own account, or to receive by hypothecation, produce purchased by any other party.

Fourthly. That the Government be compelled to expend a portion of the Revenues collected in India in the development of the resources of the country, as well as to afford every facility for its profitable occupation; that with this view such public works should be promoted as are calculated to facilitate intercourse with, or improve the physical condition of, the population, to increase the production of cotton and other valuable raw materials, as also to encourage a system of general industry.

Fifthly. That 10 per cent. of the revenues of India be applied to the public works above alluded to, such as the construction of trunk lines of railways, the formation and improvement of roads and bridges, the deepening and other improvement of rivers, the formation and care of reservoirs and canals; the erection of piers and construction of harbours, breakwaters, lighthouses, and all other engineering agencies required in a civilized and commercial country.

Sixthly. That the application of the portion of revenue allotted to useful public works be under the control of a "Board of Works," established and conducted in India, the members of which should have full, extensive, but defined powers, and be nominated jointly by the Imperial Government and the Indian Executive.

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Seventhly. That the Government should give every facility for the permanent occupation of land by removing the objections so often urged to a fluctuating land-tax, by encouraging the purchase, for cultivation, of the waste and other lands of India, and by giving such certainty of tenure as will ensure the safe application of capital to the universal cultivation of the soil.

Eighthly. That prompt attention be paid to the removal of evils now existing in India, consequent upon the uncertainty of the due administration of justice, and the prevailing ignorance of the people.

Ninthly. That an annual detailed report on all East India affairs should, as was formerly done, be laid before Parliament by a Minister of the Crown.

Your Petitioners commend the foregoing propositions to the favourable attention of your Honourable House, and humbly and earnestly pray that the same may have statutory effect in any legislation for the future Government of India.

And your Petitioners will ever pray, &c.

MICHAEL HUNTER, Master Cutler. (L.S.)

PETITION for Repeal of the Act No. XXI. of 1850, of the Legislative Council of India, and of certain Regulations which interfere with the Enjoyment by the Hindoo Nation of their ancient Religion and Customs.

To the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the HINDOO Inhabitants of BENGAL, BEHAR and ORISSA, for themselves and the other HINDOO Inhabitants of the said Provinces,

Humbly showeth,

THAT your Petitioners and their Hindoo fellow-countrymen of the above-mentioned Provinces are greatly aggrieved in the enjoyment of their ancient laws and customs, in regard as well to rights of inheritance and property, as to religion, by an Act of the Legislative Council of India, being Act No. XXI. of 1850, intituled, "An Act for extending the Principle of Section 19, Regulation VII. of 1832, of the Bengal Code, throughout the Provinces of the East India Company," (a copy of which Act they annex to this their humble Petition); and having, by petition and memorial, and every means in their power, first endeavoured to prevent the passing of the said Act, and subsequently to procure its disallowance by the Honourable the Court of Directors, but without success, your Petitioners earnestly appeal to your Lordships against the said Act for such relief and redress as it may be in the power of your Lordships to give, and as the circumstances of the case may appear to require.

2. That from the Title and Preamble of the said Act, it might be supposed that the Act is a mere local extension to the other territories of the East India Company of a Regulation which was established in the year 1832 for Bengal; but that such is not the case, as your Petitioners will presently show.

3. That your Petitioners are advised and believe that the intention of the said Regulation was merely to protect from loss or forfeiture of property persons who should conscientiously change their religion, and especially such natives of India as should embrace the Christian religion. But the said Act, beside having this object, to which they object, for the reasons hereinafter given, extends to other objects not contemplated, as your Petitioners believe, by the authors of said Regulation.

4. Your Petitioners think it may be necessary to premise, for the information of your Right Honourable House, that all property of Hindoos, according to Hindoo law, descends, in case of intestacy, from the ancestor to the heirs, subject to the condition, that these shall, on the death of the former, make the necessary funeral oblations, and perform, during their lives, the periodical rites and ceremonies enjoined by Hindoo law and religion for the deceased line of ancestors; and the Hindoo's confidence in meeting death, and hope of a happy state after this life, depend on his assurance that this condition will be religiously and faithfully performed: and, by a just logical consequence, the Hindoo law confines the right of inheritance to such persons as are willing and able to perform, or join in performing, the said condition.

5. That

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5. That by Hindoo law there are many other rights, and not merely relating to property, but also to other enjoyments, the possession and continuance of which depend on the performance of conditions derived from morality and religion; and in this pervasive connexion between private right and religious and moral obligation consist the vitality and strength of the Hindoo social organization: it is the common bond by which society has been preserved from dissolution during several periods of war, anarchy and convulsion, and is preserved in the present day under British rule.

6. That the said Act strikes at the foundation of this system of property and obligation, and that your Petitioners earnestly implore the attention of your Right Honourable House to a brief analysis of the said Act, which they offer with a view to demonstrate its extensive operation: on an analysis, it appears that it deals with certain persons and certain rights. The persons, in the words of the Act, are (1), persons renouncing the communion of any religion; (2), persons excluded from the communion of any religion; (3), persons deprived of caste. And in favour of these three descriptions of persons, the Hindoo law is to the following extent repealed; viz., that it shall cease to inflict on them any forfeiture, (1) of rights, (2) of property, and (3) that it shall cease in any way to impair or affect any rights of inheritance. Your Petitioners are advised and believe that these words, "rights," "property," and "rights of inheritance," though jurisprudentially ill selected and illogically arranged, comprise the whole body of civil and religious rights with which Hindoo law in any way deals in the case of the previously specified persons; and that the said designations of those persons comprise the whole body of persons whom Hindoo law regards as offenders in any way against Hindoo morality, law or religion. It is hardly necessary for your Petitioners to point out the great difference between these three classes of persons; in the first class the Christian convert may be reckoned, as he is a person renouncing the communion of the Hindoo religion; but persons who are excluded for other reasons besides that of embracing another religion, and, still more, persons who may, by Hindoo law, be deprived of caste, include persons guilty of all shades, from the faintest to the deepest of immorality and crime. On this plain analysis, therefore, your Petitioners humbly and confidentially say, that by the said Act every barrier which religion and law and custom have raised in the interest of Hindoo society is weakened or broken down.

7. Your Petitioners trust that they may, without abandoning their broad and general objections to the said Act, submit an illustration of the manner in which it may be made to operate on Hindoo social and family relations. A Hindoo widow is entitled, by Hindoo law, to maintenance out of her husband's or father-in-law's estate, and residence in the family house, if there be one; and if she has had an only son, who has died childless, she would be entitled to the inheritance, in the place of her son, of a third part; for example, if the estate was the joint estate of three brothers, her husband having been one, and if living as a joint family at the time of his death, she would be entitled to residence in the family mansion. According to Hindoo law, she would be liable to be deprived of caste by many kinds of immorality, say, for example, prostitution, if on being called to repentance and penance, she persisted in them; and, as a consequence of being deprived of caste, she would lose the said right to maintenance and right of inheritance: but by the said Act these rights are preserved to her notwithstanding. If her husband's brother were to sue for a partition, thereby recognizing the right given to her by the Act, she would still remain in the family mansion, in juxta-position with the virtuous matrons of the family, and their children and grandchildren, in apartments allotted to her under the partition, and by the Act made inalienably her own. One more illustration: a religious Hindoo having an only son, looks to that son as his assurance that those religious rites will be duly performed, on which he believes his salvation, and that of his immediate ancestors, to depend. If the son becomes a Christian, or, from any other cause, is deprived of caste, the father is entitled by Hindoo law to adopt another son, who would, by the same law, take the inheritance. The Act in question, by severing the inheritance from the adoption, and securing it to the original son, virtually and practically annuls the Hindoo right of adoption.

8. That it would be impossible for your Petitioners adequately to describe the manner in which the said Act may operate on Hindoo social relations: but the above illustrations are selected from a great variety which might be given, and they show, as your Petitioners submit, that the said Act is of a tendency subversive of the interests of morality and religion.

9. That, in the opinion of your Petitioners, the said Act involves a breach of faith on the part of Government towards the Hindoo nation, a persistence in which will affect the honour and glory of the British Crown. The first acquisition of the British in India having been made by or in the name of the East India Company, your Petitioners can only appeal to the Acts and declarations of that body in support of the above proposition; and these Acts and declarations have uniformly held out to the Hindoos the promise of the establishment of Hindoo law for Hindoos, and of their being made secure in the enjoyment of their ancient usages and religion. By such declarations and promises, the British Government has gained the confidence and allegiance of the Hindoo people, and that the said Act is inconsistent with them. That such was the early policy of the East India Company is attested by every respectable historian. That the administration or practice of the Government was in accordance with this, its professed policy, may be proved by authentic traditions, and is in the recollections of men still surviving a now by-gone generation, and is, besides,

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besides, strongly evidenced by the missionary literature of the present day, which is constantly endeavouring to bring obloquy on the officers of Government of former days for having respected the religion, laws and usages of the people; and your Petitioners beg to add, that, although the policy alluded to preceded all legislation, and was long maintained independently of legislation, and had a much wider scope than any legislation on the subject, it is fact supported by legislation. In Bengal, 1793, and in Madras in 1802, Regulations of Government were passed by which the Hindoo laws were established here, as the laws to be followed in all suits regarding succession, inheritance, marriage and caste, with regard to Hindoos, and the same in 1781 was intended by Parliament to be made the law of the Supreme Court for the natives of the Presidency towns. Referring, therefore, to this long and uniform course of policy, administration and legislation, your Petitioners feel warranted in considering the said Act as a violation of their established rights as a people whose virtually distinct nationality has been recognized by the British Crown, contrary to the good faith which the British Crown will maintain.

10. That your Petitioners are also advised, that the said Act is beyond the power and competence of the Legislative Council; but that, inasmuch as its legality cannot be disputed in the Courts of the East India Company, your Petitioners are remediless, except by the aid of Parliament.

11. That your Petitioners, having compared the said Act with the Regulation of which it professes to be an extension, beg your Right Honourable House also to compare it with the measure originally proposed prior to the said Act by the Indian Law Commission, and sanctioned by the Government. And, for the purpose of enabling your Right Honourable House to form a comparative judgment, your Petitioners beg to premise a brief narration.

In 1845 an Act was proposed by the Indian Law Commission, and published in draft by the Indian Government, for the purpose of establishing a substantive law of the place, under the name of the *lex loci* for the numerous classes in India, being neither Hindoos nor Mahomedans, respecting whom it was doubtful what kind of law applied to them. By the provisions of the proposed Act, as your Petitioners are advised, converts from the native to the Christian religion would have been placed under the *lex loci*, and by three sections (a copy of which is annexed to this Petition), provisions were alleged to be made, on the principle of the Regulation of 1832, for persons who should renounce, or be excluded from, the communion of any religion, meaning, as your Petitioners understood, natives who should become Christians. In the various Petitions and remonstrances of the Hindoo community against the measure alluded to, the Secretary of Government finally replied, by the following paragraph, in a public and official letter, par. 35: "It is the intention of Government, for the more convenient arrangement of the new law, to remove the other sections from the *lex loci* Act, and place them in a separate Act." The Hindoo community thereupon expected that the obnoxious law would be passed, but passed as proposed, and substantially in its integrity. The separate Act alluded to is Act XXI. of 1850; but it is not composed of the said three sections, and is not substantially the same measure; but, on the contrary, is in some respects new, and it more extensively outrages the feelings of the Hindoo people. Moreover your Petitioners would particularly point out to your Right Honourable House, that of the three proposed sections, one was restrictive, and to the effect, that the new law should not be specifically enforced, when it would be likely to outrage the religious feelings of any party against whom the courts of justice might be called on to apply it. The Act XXI. of 1850 contains no such restriction, nor even the qualification contained in the Regulation of 1832, by which it was provided that that measure should be carried out in conformity with "justice, equity and good conscience." And in considering this statement, your Right Honourable House will not fail to remark this important fact, that the much milder measure originally proposed was, in the opinion of the Indian Law Commission, adapted (as in fact it did) to outrage the feelings of the Hindoos, and was not a fit law to be passed without checks and restrictions.

12. That your present Petitioners are the inhabitants of three different Provinces, and, by reason of some local differences between the Hindoo law of Bengal from that of Behar and Orissa, they are not all necessarily affected by the said Act in the same manner. In Bengal, but not in Behar or Orissa, nor generally in the rest of India, the Hindoos may legally make a will of the whole of their property, and thereby they have the power of securing it to those who will respect its consecrated uses and the trusts to which it is subject for the benefit of ancestors. But all your Petitioners alike regard the Act in its entirety as subversive of Hindoo society.

13. That the objection of your Petitioners being to the general operation of the said Act, your Petitioners are disinclined to urge objections merely to its details; but they are struck with its great want of equity. The rights, or supposed rights, of its favoured classes have been abstractedly considered, and no regard has been paid to the eleemosynary and beneficiary interests which are recognized by all Hindoo families in the actual use and enjoyment of property: such interests ought to be specially provided for in any new distribution of property. Your Petitioners also beg incidentally to note, that, as Hindoo law will cease, to a great extent, to apply to the classes provided for by the said Act, a new body of law is required for the said classes, but is not provided by the said Act, and the omission may become extensively inconvenient to the Hindoo community.

14. That

14. That your Petitioners do not feel called upon to defend their ancient laws and religion: they are of great antiquity; they have been for ages the inheritance and possession of a hundred millions of people, and are so to the present day, and generally they remain in perfect harmony with the faith and feelings of the people. Your Petitioners, therefore, confidently submit, that these laws ought not to be altered or superseded in any one article, except at the imperative call of humanity, justice and reason united; and your Petitioners beg most respectfully and earnestly to add, that no such grounds exist for the said Act, and that your Petitioners regard the said Act as merely an encouragement to the spirit of religious proselytism, but at the same time going much beyond that object. Your Petitioners are not insensible to the peculiar case of such of their countrymen, especially the young and inexperienced, as have been gained over to professing to be Christians. But your Petitioners submit, their becoming Christians does not entitle them to the benefit of special legislation. Their desertion of the religion of their country opens to many of them a career of fortune in which their brother Hindoos cannot follow them, and no converts from the faith of a nation were ever so favourably circumstanced as are Hindoo Christians.

15. In conclusion, your Petitioners humbly pray your Lordships to take this their Petition into your most serious consideration, and to take such measures as to your Lordships may appear expedient to procure the repeal or annulment of the said Act of the Legislative Council of India, and said Regulation of the Bengal Government, and as also may be necessary to preserve to the Hindoo nation the enjoyment of their ancient religion and customs.

And your Petitioners shall ever pray.

SCHEDULE TO PETITION,

Regulation VII. 1832.

VIII. Such part of clause 2, section 3, Regulation VIII. 1795, enacted for the province of Benares, which declares that "in causes in which the plaintiff shall be of a different religious persuasion from the defendant, the decision is to be regulated by the law of the religion of the latter, excepting where Europeans or other persons not being either Mahommedans or Hindoos shall be defendants, in which case the law of the plaintiff is to be made the rule contained in section 15, Regulation IV. 1793, and the corresponding enactment contained in clause 1, section 16, Regulation III. 1803, shall be the rule of guidance in all suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions that may arise between persons professing the Hindoo and Mahommedan persuasions respectively.

IX. It is hereby declared, however, that the above rules are intended, and shall be held to apply to such persons only as shall be *bonâ fide* professors of those religions at the time of the application of the law to the case, and were designed for the protection of the rights of such persons, not for the deprivation of the rights of others. Whenever, therefore, in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahommedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions, the laws of those religions shall not be permitted to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled. In all such cases, the decision shall be governed by the principles of justice, equity and good conscience; it being clearly understood, however, that the provisions shall not be considered as justifying the introduction of the English or any foreign law, or the application to such cases of any rules not sanctioned by those principles.

The three Sections of the Lex Loci Act, originally proposed by the Honourable Mr. Cameron and his Colleagues of the Law Commission, in favour of Converts from the Hindoo Religion.

XI. Provided always, that no Hindoo or Mahommedan shall, in consequence of any thing in this Act contained, by renouncing the Hindoo or Mahommedan religion, lose any rights or property, or deprive any other person of any rights or property.

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XII. And it is hereby enacted, that so much of the Hindoo and Mahommedan law as inflicts forfeiture of rights or property upon any party renouncing, or who has been excluded from the communion of either of those religions, shall cease to be enforced as law in the Courts of the East India Company.

XII. Provided always, and it is hereby enacted, that if, in any case falling within the provisions of sections 11 or 12, it shall appear to the Court that the application of any of those provisions would outrage the religious feelings of any party against whom the Court is called upon to apply them, the Court shall state the facts of the case, and submit the statement for the decision of the Court of Appeal, who shall decide whether the provisions shall be applied or not, and with what modifications, and whether any and what compensation shall be given to any party for the loss which such party may sustain if the said Court of Appeal should decide that the said provisions should not be applied.

ACT No. XXI. of 1850.

AN ACT for extending the principle of Section 9, Regulation VII. 1832, of the Bengal Code, throughout the Territories subject to the Government of the East India Company.

WHEREAS it was enacted by section 9, Regulation VII. 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahommedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled:" and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the government of the East India Company; It is enacted as follows:

I. So much of any law or usage now in force within the territories subject to the government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the courts of the East India Company, and in the courts established by Royal Charter within the said territories.

PETITION for Amendment of the present Law for the Government of INDIA.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the LIVERPOOL, EAST INDIA, and CHINA ASSOCIATION, by their Deputy Chairman;

Showeth,

THAT your Petitioners are extensively engaged in trade with Her Majesty's possessions in India.

That your Petitioners, therefore, feel deeply interested in obtaining for the people of that country an Administrative Government, calculated to develope and extend the great commercial and agricultural resources of that important part of the British Empire.

That at this particular juncture, when the future Government of India is under the consideration of Parliament, your Petitioners humbly desire to draw the attention of your Lordships to several important matters, which, in the opinion of your Petitioners, are highly essential to the good government and prosperity of its people.

That your Petitioners cannot too forcibly impress upon your Lordships the vast importance which they attach to the necessity of providing improved means of internal communication for produce and merchandize to and from the sea-ports of India, the want of which, your Petitioners humbly submit, forms one of the main obstacles to the extension of trade, and to the increased cultivation of the land: And your Petitioners respectfully suggest, that it should be made imperative upon the future Government of India to make and keep in repair good and sufficient roads, bridges, water-tanks and works for irrigation at all times adequate to the requirements of trade and the public convenience; and to grant lands and otherwise to afford every encouragement for the formation of docks, quays and other appliances for the accommodation of all descriptions of shipping and craft, wherever such accommodation may be required.

That

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That your Petitioners consider that the land-tax or rent paid by the cultivators of the soil in all parts of India is excessive; that it is injurious to the commercial and agricultural interests of that country, and highly detrimental to the moral and physical condition of the people.*

That, owing to the imperfect system of collecting the tax, it is more injurious to the cultivators and less productive to the revenue than it might be if it were based upon sound financial principles; and that it is, therefore, in your Petitioners' opinion, expedient not only that the revenue system be improved, but that such laws be passed as may effectually protect the cultivators from oppression on the part of the collectors of taxes, zemindars and others, and enable them to recover from the proprietors of the land compensation for unexhausted improvements.

That your Petitioners humbly desire, also, to represent for the consideration of your Lordships the serious injury which private trade has long sustained from the mode resorted to by the Honourable the East India Company, of making advances of money in India upon the consignment of produce to this country for sale, a practice which your Petitioners have from time to time deprecated, and which is now all but universally condemned.

That your Petitioners, therefore, humbly submit that the East India Company should be expressly restrained from again making advances upon the hypothecation of merchandize, unless on the ground of necessity shown, and that if such case arise, notice of at least two months shall be publicly given in this country before application be made to the Board of Control to sanction the transmission to India of orders to make remittances in the objectionable mode now complained of.

That your Petitioners further desire to direct the attention of your Lordships to the state of the currency in India. Previous to the year 1835, gold equally with silver was a legal tender. In that year, an Act of the Governor-general in Council abolished the gold currency, and established the Company's silver rupee as the only standard of value throughout British India. In 1841, the Indian Government issued a proclamation, in virtue of which gold coined in the Company's mints was received at the public Treasuries in liquidation of the demands of Government; this practice, which mitigated the inconvenience of the abolition of the gold standard, remained in force till the 1st January of the present year, when the Indian Government issued a notification that the receipt of gold at the public Treasuries was prohibited. Your Petitioners are not aware that these interferences with the standard of value in India were necessary, and they believe they have been productive only of disadvantage. Viewed in connexion with the late enormous addition to the supply of gold, your Petitioners apprehend that the suppression of the gold standard may, if persisted in, lead to serious evils. The great importance of an abundant currency, free as much as possible from liability to disturbance and sudden fluctuation, is beyond question. Now, it is evident that occasional large imports of gold into India, acting on an exclusively silver currency, and causing a corresponding export of the latter, may at times occasion sudden and great contractions of the amount of the circulating medium, and so induce the disastrous consequences which always accompany such occurrences. These hazards would be obviated by re-establishing gold as a standard of value. It has been urged that this would be an injustice to the Indian fundholder. The fallacy of such an objection is manifest from the fact that, as yet, gold and silver in the general markets of the world retain their long-established relative values. The experience of France, the United States, and the majority of European States, shows that no disadvantage results from a double standard of value.

That your Petitioners also humbly invite the serious consideration of your Lordships to the necessity of providing for a better administration of justice throughout India. The need for vigorous reforms in this department is now so generally recognized, that any further notice of the subject here is, your Petitioners conceive, unnecessary.

That your Petitioners also desire to direct the attention of your Lordships to the generally defective state of the police in India, and of the necessity of such a re-organization of that body as may afford increased protection to person and property, and remove the imputation of inefficiency and untrustworthiness.

That your Petitioners have also to draw the notice of your Lordships to the want of promptitude in obtaining in India redress and decisions in cases of complaint, and in matters connected with the Customs and other departments of the public revenue; and generally, your Petitioners are informed and believe, that the delays complained of are in many cases owing to the necessity of making references to this country for the sanction of the home authorities. Your Petitioners, therefore, humbly submit that it is highly important to adopt such measures as shall effectually remedy this serious disadvantage.

That, considering the variety and magnitude of the reforms (some of which your Petitioners have herein alluded to) so urgently called for in the future administration of the general Government of India, your Petitioners believe that the accomplishment of so great a task must be hopeless, unless measures be adopted to strengthen the hands and stimulate the action of the Government in India. In what mode that may best be accomplished it is for the wisdom of your Lordships to determine; but if no fundamental change shall be made in the existing arrangements for the Government of India, your Petitioners would with all humility

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humility suggest the expediency of extending to India, in some form, the immediate authority and supervision of the Board of Control.

Your Petitioners, therefore, humbly pray that in legislating for the future Government of Her Majesty's possessions in India, your Lordships will be pleased to take into consideration the various matters herein set forth, and to adopt such measures thereon as to the wisdom of your Lordships may seem fit.

And your Petitioners will ever pray.

Signed, on behalf of the Liverpool East India and China Association, by

George Malcolm,
Deputy Chairman.

Liverpool, 13 May 1853.

PETITION, praying that in any Arrangements for the future Government of India, Provision may be made to permit English Salt to be imported into all Parts of British India upon the same Terms and Conditions as other Goods and Manufactures, of Inhabitants of Northwich.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned Inhabitants of the Town and Neighbourhood of Northwich, in the County of Chester;

Showeth,

That on an average of several years past, not less than 600,000 tons of salt have been annually made from brine and rock salt in the salt districts of Cheshire, giving employment, by land and water, to at least 5,000 able-bodied men.

That a constant supply of salt, of good quality, and at reasonable prices, is of the utmost importance to the extensive population of British India, particularly the lower classes; but at present they are almost entirely dependent upon the article manufactured in that country, which is impure in quality, uncertain and insufficient in supply, and costly in price.

That if the salt manufactured in England could be imported into India upon the same terms as other produce, a sufficient quantity could be sent from the salt districts of Cheshire to meet the wants of that country, pure in quality, certain and sufficient in supply, and low in price.

That under no circumstances should any tax or duty be imposed on salt but in proportion to its value, compared with other articles of commerce taxed by the East India Company.

That the East India Company have imposed an import duty upon salt equal to 7 *l.* a ton, which of itself is not less than twenty times the value of the article, whereby the supply has become a monopoly in the hands of that Company.

That the imposition of such duty is contrary to the commercial policy of this country, and unjust and oppressive towards the Native population of India; and thereby the manufacturers of salt in Cheshire and elsewhere are shut out from the markets of that extensive country, or nearly so.

That the opening of the trade would materially benefit such manufacturers and others within such districts; and your Petitioners believe that the great saving in the cost of salt would lead to a much greater demand by the Native population of India for the cotton and other goods of English manufacture, and thereby greatly benefit the whole commercial and trading interests of this country.

Your Petitioners therefore pray, that in any Charter to be now granted to the East India Company, provision may be made, that English salt may be imported into all parts of British India, upon the same terms and conditions as other goods and manufactures.

And your Petitioners will ever pray, &c.

Lee P. Townshend, Chairman. Magistrate for Cheshire.
J. H. Harper, Magistrate for Cheshire.
&c. &c. &c.

PETITION

PETITION for the discontinuance of all Government Grants of Money for the Support of IDOLATRY in India.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the undersigned Ministers of the Gospel, resident in CALCUTTA;

Humbly sheweth,

THAT your Petitioners, being members of various Protestant denominations, and most of them having resided several years in India, are deeply interested in the progress of divine truth in this country, and strongly participate in the conviction, now generally entertained, that the connexion of the Government of India with the Hindu and Mahommedan religions is both wrong in itself, and an obstacle to that spread of Christianity which your Petitioners are aiming to secure.

That your Petitioners willingly and thankfully acknowledge, that much has been done in recent years to release the Government from its active share in the ceremonies of those religions, and to leave their disciples to maintain them in their own way and from their own resources. They admit with pleasure that many of the most prominent evils which once existed have now been abolished; that oaths are no longer administered in the Company's Courts in the names of Hindu idols; that salutes in honour of those idols have been discontinued; that the pilgrim taxes at Gaya, Allahabad, Puri, and Dharwar, have been abolished; that in the Presidencies of Madras and Bombay, the Revenue Collectors are no longer active agents in maintaining idol worship; that the temple-lands are no longer under their charge; that they have ceased to appoint Brahmans to pray for rain in seasons of drought; to summon villagers to draw the idol cars; to sanction officially with their presence and authority the actual ceremonies of Hinduism, and to present clothes, jewels and fruit to idols in the name of the Honourable East India Company.

That your Petitioners believe that much still remains to be done before the Government of India shall be finally and fully severed from the religious systems which it has so long sustained. Under the arrangement which was reported in August 1849, Committees of Natives, or respectable individuals, have in numerous cases been substituted for the Revenue Collectors in the management of the shrines which the Government supported; but in some respects, the former direct connexion between those shrines and the Government has only been replaced by an indirect one, calculated to a certain extent to hide the real character of the alliance.

That your Petitioners have learned from the return made by the Government of India in 1849, that, at the present time and under the arrangement recently adopted, more than 16 lakhs of rupees, or 160,000 *l.*, are annually paid by the Government of India for the support of temples and mosques of Brahmans and Moulvies, of which about seven lakhs are expended in the Bombay Presidency, and eight lakhs in that of Madras. That, while your Petitioners admit that to some of these grnats the temples referred to have a strong claim (such grants being made in commutation for the revenue of lands still under the charge of Government, and which cannot be surrendered because their boundaries are unknown), they feel convinced that searching inquiry would prove the claims of others to be more than questionable. That the fact is well known that on several occasions when new territories have been annexed by the Government of India, and it has been found that certain voluntary contributions have been customarily made for religious objects by the former authorities, these donations have been continued by the East India Company, under the belief that treaties which guaranteed protection to the rights of the Natives of those territories, bound the Government also to perpetuate those gifts, although, being originally voluntary, they are so still, and ought to be withdrawn, on account of their injurious tendency. That in illustration of these remarks, your Petitioners can point to the celebrated temple of Parboti at Poonah, which was a mere private temple of the Mahratta Peishwa, and to the College of Brahmans at the same place; which two establishments, with other minor temples in that Collectorate, receive an annual gift from the East India Company of more than 10,000 *l.*

That your Petitioners have been informed that a custom formerly existed in the Agra Presidency, by which the Government of India presented addresses of honour to Mahommedan Cadis on the occasion of the Eed festival, and that such gifts have been commuted into money payments, and are continued to the present day.

That your Petitioners have heard on good authority that another custom has prevailed, by which, when the Governor-general and other high officers of state in travelling have approached celebrated Native shrines, offerings have been there presented which were paid out of the public purse, and that at Amritsir, Jwálá-mutshi and Tarantarow in the Punjab, such offerings have been presented within a recent period.

That your Petitioners have never observed any mention of these offerings in the Parliamentary returns upon the subject of Idolatry in India, and are aware of other cases which have in like manner been passed over. That for a long period a poojari or Brahman priest was employed, at an annual expense of about 200 *l.* (or 2,000 rupees) in the Salt Agency, at Hidgelee, whose duty it was continually to worship Lakshmi, the Hindu Goddess of Fortune, in the empty salt golahs, in order to secure the Company's trade against loss. That at

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at the opium agency in Behar, a special gift was made to the Brahmans to secure good fortune on the sailing of the first opium boats every season towards Calcutta. That in the money advances at the beginning of the opium season, certain payments to Brahmans were regularly included; and that a similar practice existed in the salt agency at Hidgelee. That your Petitioners believe that these practices continued for a long period unknown to the heads of the respective departments; that they were never specified in the Parliamentary returns, being reckoned in the salt and opium agencies as regular current expenses. That these practices were recently brought to light, and then suppressed; and that your Petitioners mention them now, because they believe that searching inquiry would probably bring to light other practices of a similar kind.

That while solemn affirmations have been substituted for the oaths formerly taken by Hindus and Mussulmans in the Company's Courts, the law which permits this variation from former custom has not yet been extended to the Courts established by Her Majesty's Charters in India, and that oaths on the Koran and oaths in the names of Hindu deities continue to be administered in those Courts as in former days.

That your Petitioners have heard with regret, that notwithstanding the positive orders of the Court of Directors, the residents at Baroda and Nagpore have, within recent periods, recognized and attended in their official capacity idolatrous festivals celebrated by the Hindu Rajas of those territories, and that in the latter case such attendance was doubly painful from the fact that, in 1847, the acting resident at Nagpore, Captain Ramsay, compelled the Missionaries to give up to the Raja a young convert who had applied to them for baptism, on the ground that under the Nagpore treaty with the East India Company, he could not protect the Raja's "discontented subjects;" and your Petitioners remind your Right Honourable House that this view of the obligations of the Government of this country was formally sanctioned by the Government of India.

That your Petitioners believe that in the Madrissa College in Calcutta, and in various Sanscrit Colleges endowed by Government, the authoritative precepts, doctrines and ceremonies of the Hindu and Mahommedan religions are taught at the expense of the Government; that the explanations and reasons that have been offered respecting such an anomalous proceeding are insufficient to defend it; and that, in the case of these colleges, one of the most offensive and direct forms of the Government connexion with false religions exists, notwithstanding the expressed wishes of the Court of Directors and of your Right Honourable House, intact to the present time. Your Petitioners are aware of the value of these colleges as philological institutions, promoting the cultivation of the ancient and modern languages of India, and it is not, therefore, to this use of them that the objections above made have referred.

That your Petitioners have reason to believe, that by a despatch to the Governor-general in 1847, the Court of Directors prohibited their public servants from taking part in missionary undertakings, and thereby conveyed to many minds the impression that they would view with disfavour all who should not see it to be their duty to be entirely neutral in the great contest of Christianity in this country, and that your Petitioners consider such a prohibition, in contrast to the Court's own alliance with false religions, with feelings of surprise and sorrow.

Further, that in respect to one of the great obstacles to that full and complete disconnexion of the Government of India from the Hindu and Mahommedan religions for which they pray, your Petitioners would draw the special attention of your Lordships to the Regulations of the Indian Government respecting endowments for the support of those religions. That by Regulation XIX. of 1810, in Bengal, and Regulation VII. of 1817, in the Presidency of Madras, such endowments are recognised as "pious and beneficial;" the care of them is vested in the Boards of Revenue as "an important duty of Government;" and questions connected with them have hitherto been placed not under the jurisdiction of the ordinary civil courts, but under the officers of those Boards. That your Petitioners consider that several weighty reasons may be urged against those Regulations, inasmuch as they constitute the Government the trustee of such endowments, and treat them as if they were matters of great benefit to society, and of pecuniary interest to the Revenue authorities; inasmuch also, as to enforce them fully would bring the Government into more intimate connexion with those religions than they have ever yet held; and chiefly, because they now stand in the way of those very arrangements which the Government of India has recently been making for disconnecting itself altogether from those endowments. In the Madras Presidency, for instance, the collectors have been forbidden to interfere in the management of mosques and temples, yet the Regulation which commands them to interfere still continues on the statute book. While, at the same time, should breaches of trust in their management occur, the civil courts refuse to take them into consideration because that Regulation is unrepealed. That this anomalous state of things was brought to the notice of the Supreme Government of India by the Government of Madras several years ago, and that they have provided no new Regulations to meet the difficulty.

That your Petitioners feel the need of a searching inquiry into all these subjects. They fear that while public attention has been specially directed to the Temple of Juggernath, and to the donation which it annually receives, other matters not less important have continued almost unnoticed, although they have the authority of one of the members of the Supreme Council in India (Sir H. Maddock, in his published Minute of 1844) for saying, that "the Temple of Juggernath is only one of innumerable Hindu Temples receiving endowments from the Government of India."

That your Petitioners hailed with lively gratitude the draft of an Act which the Supreme

Council

Council of India published in the "Calcutta Gazette" upwards of a year ago, for the final severance of Government from the Temple of Juggernath, and that your Petitioners hoped that a measure so wise and just, demanded alike by sound policy, public justice and Christian principle, would speedily be passed into a law; but that now they fear that the views and intentions of the Government of India have changed, and that the passing of this Act is extremely uncertain.

Your Petitioners, therefore, without dwelling on the very solemn subject of the evils of this connexion between a Christian Government and the shrines of false religions, respectfully pray your Right Honourable House to take into consideration such further measures as may be required for completing the entire severance of the Government of India from the Hindu and Mahommedan religions; to institute a searching investigation into the allegations of this Petition, and to have laid upon the Table of your Honourable House a copy of the despatch of 1847 above referred to, with a statement of its origin and intended aim. Your Petitioners especially pray, that your Right Honourable House will be pleased to call for a complete, distinct and detailed statement of every grant now directly or indirectly paid to the above religions, in every district and province of the Continent of India under English rule; to institute a rigid scrutiny into the ground and title upon which each one of these grants is claimed, whether it be to mosques or temples, to Brahmans or Moulvies, to idolatrous ceremonies, or the education of the young in the authoritative Shastras of those religions; and to cause every revenue official in India to report minutely on every fact that brings the Government into any connexion whatsoever with Mahommedanism and Hinduism in the district under his charge. They pray also that your Right Honourable House will direct the Government of India to repeal the two Regulations which your Petitioners have referred to, and to enact in their stead a Regulation applicable to all the Presidencies of India, by which the endowments of the Hindu and Mahommedan religions shall, like all other trusts, be placed under the jurisdiction of the civil courts.

And lastly, your Petitioners will ever pray, that the spirit of wisdom and of justice may be abundantly granted to your Right Honourable House, by that great and gracious God, who has said that "Righteousness exalteth a nation, but sin is a reproach to any people."

CARAPIET CHATER ARATOON, Baptist Missionary.
W. S. MACKAY, Missionary of the Free Church of Scotland.
&c. &c. &c.

PETITION, praying that the MONOPOLY of SALT exercised by the East India Company in India be abolished; that, if it should be considered still expedient to levy a Tax on this Necessary of Life, that it should be in such a form as to press less heavily on the Poor of India than the present System of Taxation.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the BRISTOL CHAMBER of COMMERCE,

Showeth,

THAT, in the opinion of your Petitioners, the Salt Tax imposed by the East India Company is cruel and oppressive towards the people under their rule, impolitic in a financial point of view, unjust and injurious to the manufacturing, commercial and shipping interests of this country, and inconsistent with the present policy of the Legislature.

That it appears from information which has been made public, that the cost of salt to the East India Company is at the rate of One farthing per pound; that the Company add to that a profit at the rate of Three farthings per pound, and that the Company suffer the dealers to traffic in the article, so that eventually the cost to the consumer is about Two-pence farthing per pound, or Twenty-one pounds per ton. That the tax imposed by the Company on salt imported into India is equivalent to the profit of Three farthings per pound, which they add to the contract price of the salt manufactured for them in India; and the operations of the dealers enhance the price of the imported article to the consumer to the amount already stated or thereabouts; and a monopoly is thus established, by means of which an extortionate price is obtained from the poor ryot of India for this prime necessary of life.

That the first cost of salt in this country does not exceed one-sixth that manufactured in India; that the price to the consumer here is but about Thirty shillings per ton, instead of Twenty-one pounds per ton, as in India; and if it were necessary to abolish the Salt Tax at home some years since, it appears to your Petitioners that the millions of Her Majesty's subjects of India have a much stronger claim for its remission in their case, wretchedly poor as they are, and essentially necessary as salt is to their daily sustenance, and to the prevention of disease in such a climate.

That it appears from statistical accounts which have been published, that the quantity of salt consumed in India is less than one-half that consumed in this country, relatively to the populations, it being about Twelve pounds per head per annum in the former, and Twenty-five pounds per head per annum in the latter.

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That, but for the before-mentioned tax and monopoly, salt manufactured in England could be exported and sold in Calcutta at from Forty shillings to Forty-four shillings per ton, and the price would be reduced by the breaking up of the monopoly to about one-tenth the present rate to the consumer in India.

That the abrogation of the monopoly would tend greatly to benefit and give employment to the home manufacturers of the article, who are capable of producing an unlimited quantity, and also to the commercial, the shipping and the manufacturing interests generally.

Your Petitioners therefore pray that your Right Honourable House will be pleased to take such measures as will ensure the abolition of this monopoly, in any legislative measure which may be brought before your Right Honourable House during the present Session of Parliament, relative to the East India Company's Charter; or, if your Right Honourable House should deem it expedient to continue some tax on the article, that you will be pleased to place such restrictions on the Company and the dealers as will ensure the poor ryot of India having the full benefit of any reduction in the amount of the tax which you may be pleased to require.

Signed, on behalf of the Bristol Chamber of Commerce,

James Bush,
Chairman of the Committee.

PETITION, complaining of certain Grievances under which they, and the Community to which they belong, labour in the existing state of the Law, and praying for Relief, of East Indians of the Presidencies of Calcutta, Madras and Bombay, at present residing in London, at a Meeting held at the Residence of John B. Pharoah, Esquire, Ennore House, Lower Tulse-hill, Brixton.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of East Indians of the Presidencies of Calcutta, Madras and Bombay, at present residing in London,

Most humbly showeth,

1. That your Petitioners are natives of India, and members of a numerous and increasing class of subjects of the Crown of Great Britain, at present sojourning in this country.

2. That the community to which your Petitioners belong are chiefly descended from European fathers, and from natives of India on their mothers' side, and from intermarriages between the offspring of such connexions.

3. That your Petitioners' community forms a distinct one throughout the continent of India, and dates its existence long prior to the establishment of British rule there.

4. That, ever since Great Britain has acquired permanent possession in India, your Petitioners' community has increased in number more rapidly.

5. That your Petitioners, although at present remotely situated from their native land, feeling the deepest solicitude in the well-being and every particular touching the ordinary interests in life of their countrymen, cannot, therefore, refrain from manifesting their own heartfelt sense at the present juncture as regards the public administration of the affairs of British India.

6. That your Petitioners consider it imperative upon them to submit to your Right Honourable House the following grievances; and, although it may be urged that they have been virtually and positively removed by the East India Company's Charter of 1833, your Petitioners, nevertheless, beg leave most respectfully to assert, that in spirit or operation, that Charter, in relation to such grievances, remains up to the present time a dead letter.

7. That your Petitioners' community in India is entirely destitute of any rule of civil law. Those who are beyond the jurisdiction of Her Majesty's Supreme Court of Judicature, and who may be temporarily or permanently residing in the interior provinces, are there made amenable to the Mahomedan and Hindoo Criminal Laws.

8. That although a right of appeal is sometimes allowed to the superior tribunal, designated the Sudder Nizamut Adawlut of the East India Company, yet such is the extraordinary power it possesses, that it can increase punishment without allowing the common privilege of producing further evidence.

9. That as British subjects, and more especially as professing the Christian religion, it is extremely repugnant to the feelings of your Petitioners' community to submit to the Mahomedan or Hindoo code in the provincial courts.

10. That by Regulation VIII. of 1813, enacted by the East India Company, your Petitioners' community are expressly classed among native subjects of the British Government, and, consequently, subjected to all the disabilities of their Hindoo and Mahomedan fellow-subjects; and by Regulation III. of 1818, enacted by the local Government, they have been deprived of the protection of the Habeas Corpus Act, besides being liable to be taken up on mere suspicion, punished and imprisoned as state prisoners, without the slightest chance of legal protection, or hope of release, since the only channel of appeal is the local Government;

Government; and thus placing their property, their liberty, and even their lives, at the mercy of every public functionary who may happen to be vested with power or authority.

11. That, by Regulation III. of 1821, your Petitioners' community is subjected, in all cases, to be dealt with as Hindoo and Mahomedan natives of the lowest grade, by being fined, imprisoned, and subjected even to corporal punishment, not only at the discretion of the European Judges or Magistrates of the East India Company's service, but even of the Mahomedan and Hindoo officers of justice.

12. That the criminal code to which your Petitioners' community have been subjected is felt by them, not only as a direct outrage to the religion they profess, but as an act of positive personal degradation and gross injustice.

13. That, although the Act of the last Charter, namely, of 1833, throws open all offices of trust and emolument in the civil, military and other branches of the East India Company's service, "without distinction of caste, colour or creed;" yet the door to preferment is literally closed against your Petitioners' countrymen, when many of them are perfectly qualified to fill them; and they continue to be superseded by Europeans, quite inefficient both from their standing and inexperience, as well as from their want of general knowledge with respect to the manners, habits and notions of the people of the country.

14. That the Charter of 1833, not having realized the expectations of your Petitioners' countrymen by a fair distribution even of many of the subordinate appointments under Government in the gift of heads of departments, and which are almost invariably conferred on others, will be borne out by the fact of the paucity of your Petitioners' body holding any such places in all the Presidencies of India.

15. That your Petitioners cannot refrain from objecting to the *primâ facie* evidence recently given by some officials of the East India Company's Service before the Committee of your Right Honourable House, in terms no less unmeasured than disparaging, as they are galling to the feelings of your Petitioners and of their community.

16. Your Petitioners think it needless to cite minutely instances of the general efficiency or fitness of their community towards being raised to superior offices equally with Europeans, beyond the facts that General Jones, who was at the head of the Bombay Army in the years 1803, 1804 and 1805; General Lang, of the Madras Army; and the distinguished and celebrated Colonels Skinner and Gardener, and Colonel Stevenson, a late Quartermaster-general of the Bengal Army, belonged to the class of your Petitioners; and that the few who had been admitted prior to the prohibitory regulation, and others now belonging to the Military and Civil Services of the East India Company, were, and are, sufficiently reputed for their high integrity, superior qualifications and extensive information is abundantly testified by the Chronicles of India, the public testimony invariably borne in their favour by such eminent statesmen as the late Sir John Malcolm, the late Lord Metcalfe, the late Lord William Bentinck, the late Sir Alexander Johnston, and a host of other public characters, and is further attested by the several highly respectable and eminent members of our community who have adorned the bar, the pulpit and the faculty, and who are now heads of several banking and mercantile firms of the first respectability, and constitute living proofs of the general respectable capacity of your Petitioners' community, which must be well known to your Right Honourable House, and cannot require any further or lengthened illustration.

17. That your Petitioners finally, most humbly, and with the greatest deference, venture to state, that were the feelings, opinions or wants of their community consulted, they would one and all exclaim and demand that legislators should also be chosen from among their own body as well as from the various classes or tribes of the people, to fairly represent their diverse interests in the Councils of the future administration of India, as pre-eminently qualified by their local knowledge. And, although millions of the population of India have hitherto most patiently submitted to be taxed, neglected, misrepresented and misgoverned by an oligarchy, chiefly chosen by an unquestionably objectionable constituency of both sexes, and that, too, composed of a fractional atom of the great bulk of the talent, experience and respectability of the English nation, your Petitioners beg leave most respectfully to assure your Right Honourable House, that, whether the reins of the future Government of India are to continue to be vested in the hands of the East India Company, or to be placed immediately under the supreme control of Her Majesty's Government, your Petitioners do not feel solicitous of any change whatever beyond the desire of perfect equality of privileges, and justice being both practically and theoretically meted out to them, not only as British subjects, but as inheritors of their native land, and who, for loyalty and attachment, stand second to none in the British Empire, and who are still, and ever will be, found ready to defend the Empire of Great Britain.

And your Petitioners, in submitting the foregoing statement of their grievances to the serious consideration, wisdom and justice of your Right Honourable House, as in duty bound, will ever pray, &c.

Signed, on behalf of a Meeting of East Indians of the Presidencies of Calcutta, Madras and Bombay, at present residing in London, held at the Residence of John B. Pharoah, Esquire, Ennore House, Lower Tulse-hill, Brixton, near London,

JOHN WOLLASTON, Chairman.

Appendix D.

PETITION, complaining of certain GRIEVANCES, and praying for Relief, of East Indians, Inhabitants of CALCUTTA and the Provinces subject to the Presidency of FORT WILLIAM, in BENGAL.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned, East Indians, Inhabitants of CALCUTTA and the Provinces subject to the Presidency of FORT WILLIAM, in BENGAL,

Humbly showeth,

THAT your Petitioners are of the class called East Indians, being persons of mixed European and Asiatic parentage, and their offspring by intermarriages. A Petition from the same class was presented to your Honourable House in the year 1830, in anticipation of the Parliamentary investigations into the affairs of India which were expected on the expiration of the Act * by which the East India Company then held the possession and government of the British territories in India.

2. That their Petition of 1830 set forth in detail divers disabilities and grievances under which they were labouring, and showed that they were deprived of certain legal rights and privileges to which they were entitled as the descendants of Englishmen and as Christians, whereby they were placed as a body, although subjects of the British Crown, to which alone they recognize their allegiance to be due, in a position of social and political degradation.

3. That the Act † passed in the year 1833, for continuing the Government of the British territories in the East India Company, contained provisions designed and calculated to remove the disabilities of which the East Indians complained; but the just and humane intentions of the British Parliament have been in a great measure frustrated by the provisions in question of the Act of 1833 being wholly or partially disregarded in practice, and thus several, and the most serious, of the grievances which formed the subject of representation 20 years ago, to this day remain unredressed.

4. That the Act of 1833 provided for the formation of an Indian Law Commission, with a view to the enactment of "such laws as may be applicable in common to all classes of the inhabitants of the said territories." The Law Commissioners, in a letter addressed to the Governor-general in Council, dated the 3d October 1840, made the remarkable declaration, that "the Christian subjects of the British Crown, and of other nations coming into British India, not being Mahomedans, are, independently of all statutes and treaties, exempt from the operation of the Hindoo and Mahomedan laws;" but, notwithstanding this strongly expressed opinion of the Law Commissioners, and although practical relief was proposed by them in a draft Act, called the *Lex Loci* Acts, a body of laws "applicable in common to all classes of the inhabitants," has not been passed; and your Petitioners continue at the present time to be excluded in a greater or less degree from a community of legal rights with their British-born fellow-subjects, and of legal privileges with the natives. The Englishman claims and enjoys the protection and immunities of the law of England, the Hindoo has the benefit of the Hindoo law, and the Mahomedan of the laws of Mahomed; but your Petitioners, though Christians, assimilated in education, habits and opinions to Europeans, are still entirely destitute of all rule of civil law, and a large proportion of them still liable, out of the local jurisdiction of the Crown Courts, to be dealt with according to the degrading institutions of the Koran.

5. That another grievance, from which your Petitioners suffer, and which formed a subject of complaint in the East Indians' Petition of 1830, is their exclusion from superior covenanted offices in the service of the East India Company. The Act of 1833 contemplated the removal of this unjust exclusion, and declared "that no native of the said territories, nor any natural-born subject of his Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the said Company;" but this wise and just principle, laid down by the British Legislature, for the most part remains a dead letter as respects your Petitioners, because no adequate provision has been made for working it out. Superior offices, held by members of the covenanted service, are practically inaccessible to persons of your Petitioners' class. They are kept down in a perpetual state of official subordination, from which they cannot emerge, as, under the existing system, no amount of merit, nor any length of faithful service, or ability and experience in office, can avail. A gulf divides the subordinate from the dominant

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* 53 Geo. 3, c. 155, "An Act for continuing in the East India Company, for a further Term, the Possession of the British Territories in India," &c.

† 3 & 4 Will. 4, c. 85, "An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories till the 30th day of April 1854."

nant class, which the former is not allowed to pass. In many cases experience and efficiency must submit to be ruled by a covenanted superior, possessing no previous knowledge or experience, while individuals of the lower branch of the public service, even when filling the highest post attainable by them, and after a lifetime of servitude, are less liberally remunerated than covenanted officers at the very commencement of their career. The natural consequence of this state of things is, that it not only directly tends to check honourable ambition, and discourage and degrade such of their number as belong to the Government service, but likewise operates most injuriously in regard to the moral and social position of others not so employed, and who are independent of the service of the State, by identifying them with a class virtually held in a state of degradation, and branded with permanent disqualification and proscription.

6. That your Petitioners, while subject to all the disqualifications under which the natives labour, are denied some of the advantages which have been extended to the latter. The educational arrangements of the State, made of late years for the benefit of natives, totally ignore the existence of the East Indian body, who, as a class, owe their being to the establishment of British supremacy in the East, and whose home is India. Colleges and schools have been provided for the education of Hindoos and Mahomedans respectively, but not for the Christian portion of the population. Even in the single public institution, the Medical College, the benefits of which Christians share with Hindoos and Mahomedans, an invidious distinction is observed, by which stipendiary studentships are open to natives alone. The advantages of an institution of the nature of a national University your Petitioners, in common with the natives, do not possess; but your Petitioners desire to record their opinion of the incalculable good that would flow to all classes of the Indian community were such an institution organised on an efficient scale.

7. That the grievances and wants above glanced at, being embraced in the Petition of the British and other Christian inhabitants of these provinces, which has already been presented to Parliament, your Petitioners abstained from a second time bringing their case distinctly to the notice of your Honourable House. In consequence, however, of misrepresentations, highly injurious to the entire body of East Indians, contained in certain evidence, more particularly that of Mr. W. W. Bird, given before the Committee of the House of Lords on Indian affairs, your Petitioners, debarred as they are from the opportunity of submitting counter evidence, are induced to solicit the attention of your Honourable House with the special object of furnishing an explanation, on the basis of well-authenticated facts, such as they hope will destroy the effect of those misrepresentations.

8. That the misrepresentations which your Petitioners desire to correct are mostly vague, general, intangible, and not easily reducible to distinct and definite propositions, but they have all one common tendency to disparage your Petitioners' class, and depict them to your Honourable House as deserving of no consideration. Your Petitioners will confine their explanation to only a few of the most explicit of those hostile statements.

9. That it is not true that the number of the East Indians is decreasing; on the contrary, there is every reason to believe it has more than doubled in the course of the last 30 years. The number has not only progressively increased according to the natural laws of population, but the growth of the East Indians, as a class, is accelerated by the annual influx of Europeans to this country, either belonging to the army, or as adventurers, many of whom form matrimonial alliances with East Indian females, so that the class of East Indians is in this way constantly receiving accessions to its numbers. The state of things in India is unfavourable to all statistical inquiry and information, and your Petitioners regret they have it not in their power to obtain a return of the actual number of which their class is composed. On the other hand, however, your Petitioners are not aware of any assignable cause why, while every other community is on the increase, the East Indians alone should be declining in number, and they confidently affirm that no person of any intelligence or local experience in this country believes that such is really the case.

10. That it is not correct that the East Indians are chiefly employed in the offices of Government as mere writers and copyists. Persons of their class are filling every grade of office open to them under Government with advantage to the State and credit to themselves, whether as uncovenanted Judges, Magistrates, Collectors or Superintendents, and heads of offices, &c. In every profession, trade and calling, in every honest and honourable pursuit, East Indians are to be found; as clergymen and missionaries, medical practitioners, lawyers, advocates, mariners, engineers, surveyors and artists, schoolmasters, apothecaries, merchants, artisans, manufacturers, shopkeepers, agriculturists, printers, musicians, accountants and clerks. When employed on account of others, whether the Government or private companies, private firms or private individuals, they have, by their intelligence, ability, honesty and industry, generally gained the commendation and confidence of their employers; while those following independent professions, trades or other callings, have, by their energy and assiduity, secured for themselves a fair measure of success. Although persons of your Petitioners' class did, 20 and 30 years ago, find extensive employment in Government offices, the increase of their numbers and the advance made by the natives in English education, as well as the free access to this country now allowed to Europeans, have conspired to disperse East Indians over all the various walks of life accessible to them; and it is a fact which they desire specially to bring to the notice of your Honourable House, that, notwithstanding the competition both of European and Native, and in spite of every disadvantage and disqualification under which they are placed, persons of your Petitioners' class still maintain a position of respectability, and a character for intelligence and usefulness—a fact which is generally admitted by those who, knowing them well, are best qualified to form an opinion on the subject.

 11. That

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11. That in the injurious evidence in question, your Petitioners have been taunted with the statement that few of their number have been very eminent; but your Petitioners submit that it is given to very few persons of any class of men whatever, however high their privileges or advantages, to be "very eminent." Individuals are born to hold eminent positions, or are made eminent by circumstances, or earn eminence for themselves, by their talents and exertions; but whole classes and communities, comprising every conceivable degree of education and social gradation, are never "very eminent," or the contrary, in the mass; and the East Indian body certainly form no exception to the universal rule. Nor is the attainment of a lofty eminence necessary to entitle your Petitioners, or any class, to be protected from unjust exclusions, disqualifications and grievances, such as the East Indians suffer from. But a constrained admission contained in the evidence itself would go to show that some of your Petitioners' class have reached eminence; while your Petitioners confidently make the statement that, notwithstanding the legal disabilities of their position and the prejudicial effects of the proscription inflicted upon the entire body under the present system of Government, did the scope and limits of a Petition admit of it, your Petitioners might adduce numerous examples to show that East Indians have in past times, as in recent years, achieved "eminence" in the various pursuits of life in which they have embarked.

12. That it is incorrect that the East Indians "are not respected either by the Natives or the Europeans, generally speaking:" generally speaking, the reverse is the case. The members of the covenanted services, indeed, evince small consideration or respect for either East Indians or Natives, or even for Europeans out of the pale of those services. But an East Indian on the same footing, and possessing the same authority with a European, is not less respected by the Natives than is the European; while, on the other hand, whenever Europeans and East Indians are brought together in society on terms of equality, they mutually treat each other with cordiality and respect. The Petition of the British and other Christian inhabitants of Calcutta and the provinces was originated and signed by, as it embodied the united representations of, both Europeans and East Indians—a fact which may serve to show the cordiality that in general subsists between the two classes. An East Indian in any office, profession, trade or business, is not less respected than a European in the same position. An East Indian, who is a minister of the Gospel, or a missionary, does not command less respect than is ordinarily paid to the cloth. An East Indian physician does not in a less degree enjoy the confidence and respect of his patients, whether European or Native. An East Indian, as a legal practitioner, is not less trusted or respected by his clients. East Indians, as uncovenanted Judges, Deputy Collectors, heads of offices, &c., receive a due amount of respect from both European and Native. An East Indian superior has not less deference shown to him by his European or Native subordinate. East Indian masters do not command less obedience from their Native workmen or domestic servants. Thus in all the various relations of life, the fact receives abundant and constant exemplification that East Indians, as such, do not experience the want of respect from either Europeans or Natives spoken of in the disparaging evidence laid before your Honourable House.

13. That it is not true that East Indians are "not to be depended upon," still less that, as a class, they are inferior in personal character to an equal number of any other class. The facts and the circumstances already set forth for the consideration of your Honourable House, render any arguments on this point superfluous. But were it otherwise—were the class to which your Petitioners belong sunk in the degradation of immorality and crime, and did they figure prominently in the annals of the police of the country, it might, in a great measure, be ascribed to the situation in which they have been placed by the Government, and should rather act as an inducement for ameliorating their condition by the abolition of class distinctions, than furnish an apology for perpetuating a prospective policy.

14. That your Petitioners having thus brought to the notice of your Honourable House the points which they, as a class, feel to be grievances caused by the existing state of the law and the administration of the country, and which they are prepared to support by evidence, whenever required, in correction of the imperfect, erroneous and highly injurious information laid before Parliament; and adverting to the utter hopelessness of their long-standing grievances being redressed, except by the special interposition of your Honourable House on their behalf, pray for such relief in the matter as to your Honourable House may seem just and adequate. In particular, they pray that your Honourable House will be pleased to devise measures for removing the disabilities of your Petitioners' legal position, and for giving practical effect to the wise and liberal provision of Act 3 & 4 Will. 4, c. 85, that no disability to hold any office shall attach to the class of Her Majesty's subjects to which your Petitioners belong, a provision that has heretofore been rendered nugatory by the mode in which patronage is exercised under the existing system.

And your Petitioners, as in duty bound, shall ever pray.

A. Imlach.
John T. D. Cameron, L. R. C. P., Head Master, La Martinière.
&c. &c. &c.

PETITION,

PETITION, complaining of certain GRIEVANCES, and praying for Relief, of Members of the BOMBAY ASSOCIATION, and other Native Inhabitants of the Presidency of BOMBAY.

To the Right Honourable the Lords Spiritual and Temporal of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Members of the BOMBAY ASSOCIATION and other Native Inhabitants of the Presidency of BOMBAY,

Showeth,

1. THAT your Petitioners have watched with much anxiety and interest the proceedings of your Right Honourable House, and its Committee, on the subject of Indian affairs, as bearing on the legislation about to be proposed for the future government of India.

2. The Report of your Committee, which sat during the Session 1852, having reached India, has been examined and analysed by your Petitioners with much care; and they observe, that the Members of that Committee have been so far satisfied by the evidence up to that time laid before them, that they direct the attention of your Honourable House to the favourable tenor of the evidence with respect to the operation of Act 3 & 4 Will. 4, c. 85, so far as regards the administration of the Government of India by the East India Company, as trustees under the control of the Crown.

3. The witnesses examined before the Committees of both Houses of Parliament amounted, in all, to 25 persons, five of these having been examined before both Committees: they consisted of Lords Ellenborough, Elphinstone, Hardinge; Sir T. H. Maddock, Sir G. R. Clerk and Sir George Pollock; Messrs. Bird, Willoughby, Reid, Millett, Melvill, Cameron, Robertson, Mill, M'Leod, Pringle, Hill, Shepperd and Prinsep; also General Macleod; Colonels Sykes, Taylor and Alexander; and Captain M'Gregor.

4. The whole of these gentlemen, excepting the three noblemen above-named, and Captain M'Gregor, have been more than 30, and some of them 40 years in the service of the East India Company; and, without desiring to cast the slightest disparagement on their testimony, still it must be borne in mind, that they are all to a great degree in the position of interested witnesses speaking indirectly to the favourable results of their own services, or at least of a system in which they have all borne a part. The majority of these gentlemen having spent the greater portion of their lives under the existing Government, and having freely participated in the advantages enjoyed by the covenanted service of the East India Company, have naturally become prepossessed in favour of things as they are; and although, upon a general view of the subject, the administration of the Indian Government may present to your Honourable House results very favourable to the honourable intentions of those to whom it has been confided by the Crown of England, still this conclusion leaves wholly untouched the important question, whether the main provisions of an enactment passed in the year 1834, investing the Rulers of India with powers almost irresponsible and despotic, and intituled, as it truly was, " An Act for effecting an Arrangement with the East India Company," constitute the best scheme, or all that is needed for the good government of these vast territories—all that the governed can justly demand, or should be reasonably satisfied with, in 1854.

5. Your Petitioners may well leave in the hands of your Honourable House, without observation from them, the construction of the Home portion of the Indian Government, only asking that it may be so framed as naturally and easily at all times to secure within it the services of the ablest and most experienced persons in Indian affairs; that it may be so simplified, that the people of India may know who really are their rulers, and who are responsible for measures of great importance, emanating from England. But with respect to the constitution of the local Governments, your Petitioners earnestly pray your Honourable House not to continue them as they exist, without a further and more searching investigation into their actual and daily operation of the existing system than your Honourable House now has, or is likely to have, before you, if the inquiries are to be so very general in their nature as they seem hitherto to have been, and are to be confined to the evidence of retired Indian official personages.

6. Your Petitioners rejoice to learn that an interest, and a spirit of inquiry respecting Indian affairs, have lately arisen in England, which have led to a mass of valuable information being placed before the public, of a nature that would never have reached your Honourable House from official lips, but which, nevertheless, your Petitioners respectfully would remark, deserves the utmost attention of your Honourable House, though it may form no part of the evidence collected by the Committee of your Honourable House, and may not be adverted to in their Reports. Your Petitioners may refer to many valuable papers published by highly competent persons now in England, very antagonistic to the interests of the East India Company, whose names, therefore, your Petitioners do not find amongst the persons summoned before the Committee to give evidence on Indian affairs; and they beg also to attract the attention of your Honourable House to a very valuable and instructive work recently published at Madras on the administration of justice in that Presidency, by George Bruce Norton, Esquire, Barrister-at-Law. As this gentleman is now at Madras, and cannot be

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be examined in England, your Petitioners have taken the liberty of annexing a copy of this work to their Petition, in the hope that your Honourable House will allow them, in this form, the benefit of that gentleman's testimony to the character of the administration of justice in Southern India—testimony which, however startling, is nevertheless unimpeachable, being based on the decisions of the Courts themselves; and your Petitioners regret to add, that the Courts of the East India Company in this Presidency are on no better footing, as regards judicial fitness and capacity, than those of Madras.

7. Your Petitioners are sensible that many of the evils which have hitherto retarded progress in India, can only be remedied through the medium of efficient and properly-constituted local Governments; and they look with confidence to your Honourable House giving this head of inquiry the fullest consideration.

8. Your Petitioners, speaking of the Government of their own Presidency, though they believe the remark to be equally true of the other Indian Governments, are of opinion that it is quite unequal to the efficient discharge of its duties, and that nothing but the impenetrable veil of secrecy with which even its most trivial acts are covered protects it from universal condemnation.

9. It consists of a Governor, a Commander-in-Chief, and two civil servants as members of Council. The business is conducted primarily by four Secretaries and two Deputy Secretaries, each Secretary having a separate department of his own, and being, in that, the adviser of the Governor; the latter, who, generally speaking, is without local knowledge or experience, is obviously in the hands of the Secretaries, and for the most part, from the mass of business to be despatched, compelled to adopt the minutes they place before him.

10. The Commander-in-Chief having the affairs of the Army to attend to, and not caring to trouble himself with the Civil affairs of the Presidency, with which he cannot be expected to be in the least degree acquainted, spends more than half his time away from the seat of Government, and enters the Council apparently merely to record his assent to the Minutes of the Governor. It has been stated in evidence before the Committee of your Honourable House, that it often happens that eight or ten boxes, full of papers on revenue and judicial matters, are sent to the Commander-in-Chief at one time, and that they have been returned from his house to the other members of the Government perhaps within one hour, allowing merely time for him to put his initials; and your Petitioners believe that it ever has been the case that the Commanders-in-Chief, though knowing nothing of the subjects in hand, have felt it their duty invariably to vote with the Governors.

11. The Civil Members of Council are not selected from the most able and distinguished of the servants of Government, though there have been some remarkable exceptions. The appointment is in the gift of the Court of Directors, and is always bestowed on some one of the senior members of the service about to close their Indian career. It is consequently canvassed for in Leadenhall-street, and falls to the lot of him who can command the greatest amount of personal interest with the members of the Court individually. A vacancy occurring but rarely, few members of the civil service can fill the appointment; and its gift is thus a matter of favour. They have no specific duties to discharge, and little or no responsibility; and as they may always be out-voted by the Governor and the Commander-in-Chief, they can scarcely be expected to take any prominent part in the current affairs of Government, indeed to give any very effective assistance, unless something out of the usual routine, or within the line of their past experience, should arise to excite their interest. The evil tendency of their position is, that, having no defined duty as a part of the Government, their own brief minutes, or their signatures, often put for the sake of conformity to those of others, carry with them a weight to higher authority, which should only attach to opinions deliberately formed, and the result of careful inquiry, made under official responsibility. The practical effect of a Government so constituted is, that for the most part each Secretary, in his own department, "is the Governor in Council." The Secretaries, with one exception, selected from the civil service, and generally, though not invariably, from its most able members, having passed their lives from boyhood on some one or more of the subordinate agencies of Government, are suddenly called upon to discharge the most onerous and important duties, for many of which their previous training does not at all qualify them; questions requiring for their solution a correct knowledge of the principles of finance, of political economy, of the systems of the country and of other countries, involving the rights and just expectations of classes of persons, and the cases and privileges of individuals with lighter matters crowd in rapid succession on them, and must be disposed of; and, however able and conscientious they may be, they have not the time to go through, with due care and attention, nor very frequently with the knowledge of the subject requisite to enable them properly to despatch the multifarious matters with which they are loaded. Government being thus undermanned, is necessarily compelled to throw off as much of its own duties as possible on the local officers, to act on their reports as unimpeachable, and to shroud them in secrecy. The European local officers, on the other hand, scattered over the country at great distances from one another, and having large districts to attend to, far beyond their powers of supervision, and dependent to a very great degree on their subordinates, are compelled to dispose of the greater part of their business in a very imperfect manner; and their statements to Government, whether emanating from persons who it is known may be trusted, or from those in whose accuracy Government are aware no confidence can be placed, are, on system, accepted as equally trustworthy, and the official vindication of the acts of Government founded thereon. The necessary result of this system is, that the Government is one of first impressions; that, short-handed as it is, under the present system its chief difficulty, and its main object, is to keep down and despatch business; to despatch it well, if possible,

possible, but at all events to prevent it accumulating; that hasty superficial reports of local officers are, in regulating the conduct of Government, except on questions of money, of equal weight with those, the result of care and reflection. It is obviously necessary, therefore, to protect the acts of such a Government from public scrutiny and supervision, in order to preserve for it public respect; and the most rigid secrecy is consequently preserved in every department; so strictly is this enforced, that the members of the civil service are all under solemn oaths not to reveal anything connected with the business before them, and the Court of Directors have, even in modern days, noticed, with severe disapprobation, the publication of a very small portion of one of their despatches by, as it was supposed, a member of the civil service, relating to a suit at law with which he had been connected judicially. The same amount of secrecy is preserved in everything that comes before Government, whether it relate to a purely municipal matter, the establishment of a sailor's home, a principality, a jaghere, the conduct of a public officer, or hardship practised towards an individual, and even where wrong or injury are complained of by a large class of persons, or where merely private property is at stake, or the character and prospects of an individual are involved, still the same system prevails. If the parties against whom unfavourable reports have been transmitted by the local officers apply for copies, they are always refused; not the slightest opportunity is afforded them of correcting any misstatements that may have been made in these reports, and there consequently is, and naturally ever must be, a great inducement to resort to unfair means to procure that information from the records of Government which cannot be fairly obtained, but to which all the parties concerned are justly entitled, and which, on system merely, is withheld from them. The inevitable effect of this system is, that individual cases, occupying a large portion of the time of Government, the most cruel injustice, even with the best intention, is done. The individual concerned may have had a volume written against him behind his back—written with all the easy confidence of those who know that their statements will not be handed over to the party interested to reply to, and when the Presidency authorities consider matters sufficiently ripe, a few paragraphs, disclosing a small fragment of the case recorded against him, a tithe only of what he ought to be allowed to answer and explain, is sent to him, for such observations as he may desire to offer, and, on his reply to these, he is adjudged. It is difficult to exaggerate, or, on any more general view, fully to display the vicious operation of this system of Government. But it will be obvious to your Honourable House that, as a system, it is the very worst that could be devised, and the very last which good sense would indicate as adapted to strengthen British rule in India, by giving it a hold on the affections of the people. On the contrary, its obvious tendency is to engender and perpetuate amongst the young servants of Government an illiberal and despotic tone; to give full scope to the prejudices, the ignorance and the self-sufficiency of all; to discourage progress; to discountenance all schemes of improvement emanating from independent and disinterested sources, and not within the views of the officer to whose department they are referred, and to cramp all agricultural or commercial energy, all individual enterprise.

12. Your Petitioners, therefore, humbly entreat your Honourable House, in any new legislation which may be framed for India, to abolish councils as at present constituted, and in their place to create an useful and efficient Council, of which the Judges of the Supreme Courts, in judicial and legislative matters, and some of the European and native citizens, should form a part; also to put an end to that injurious system of secrecy, which at present is the ruling principle of vice in the Indian administration, and to allow the Council to call for the proceedings of Government and its local officers, except in cases in which the Executive shall declare that State policy requires secrecy to be preserved. Your Petitioners further ask, that on questions of great importance to individuals, and classes of persons coming up for the decision of Government, the valuable privilege of being heard by counsel be conceded to those who may be desirous of availing themselves of it in support of their interest. With these measures your Petitioners believe that it would be absolutely necessary to strengthen the hands of the Executive Government, and that it would be highly desirable that there should always be among the more prominent members some persons trained and experienced in the public offices of England, who can bring to the consideration of public affairs a more extended knowledge and wider views than are to be expected from those European gentlemen who have passed all their days from boyhood in the bad systems of this country, and know no other by which to compare and improve them.

13. Your Petitioners forbear to trouble your Honourable House with the details of such a change, which are of easy construction, if its propriety be once acknowledged; and they equally wish to avoid repeating what they have put forth in their former Memorial, already, as they believe, referred to the Committee on Indian Affairs; but they are anxious to recall the attention of your Honourable House to that narrow and injurious system which gives to those educated at Haileybury College a Parliamentary right "to supply the vacancies in the civil establishments of India." Your Petitioners believe that the existence of this exclusive service, bound together like the members of one family, is incompatible with a more open council, and an efficient and responsible discharge of public duties. At present the natives of this country, however respectable, trustworthy and qualified they may be, are excluded from the higher grade of judicial and revenue situations, and from the regular medical service, to which covenanted European servants sent out from England are alone appointed, such exclusion being impolitic, unjust and contrary to the letter and spirit of the 87th section of the Charter Act of 1834. Your Petitioners respectfully reiterate their prayer, that the invidious and unjustifiable distinction between the covenanted and uncovenanted services, which excludes the natives from the higher offices, be abolished, and that natives of India may

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may be allowed to fill all situations for which they may be qualified. By the adoption and practical operation of such a measure, a great stimulus will, your Petitioners feel convinced, be given to the cause of education and improvement in this country, a great deal of discontent will be removed, and inefficiency will be obviated. It is placed beyond controversy, by the testimony of official reports published by the local Governments, that the Grant Medical College at Bombay, and the Medical College at Calcutta, have recently produced as proficient and competent native surgeons and physicians as those sent out from England under "covenants."* Instead of admitting any of successful candidates into the regular medical service of Government, a new and distinct service has been created for them by the Indian Governments, the rank and emoluments of which are considerably inferior—a course which is calculated to lower this new medical service in the estimation of the public, and to perpetuate the distinction that has hitherto been preserved between Native and European agency, or uncovenanted and covenanted servants of Government. So rigidly is the line of separation preserved, that a native of India, named Dr. Chukerbutty, who recently left Calcutta to finish his medical education in England, where he greatly distinguished himself, and obtained the highest testimonials of proficiency, although recommended for an appointment as an assistant surgeon in the East India Company's medical service by the Right honourable Sir Edward Ryan and Mr. Cameron, gentlemen of eminent consideration for their past services, was, your Petitioners are informed, refused admission into the covenanted medical service by the Court of Directors, collectively and individually.

14. Your Petitioners cannot take leave of this important subject without requesting the favourable attention of Parliament to the suggestion made in their former Petition, with regard to the advisability of establishing a University or College, as proposed by that able and experienced servant of Government, Mr. Cameron, for the purpose of qualifying the natives for Government employ, of imparting profound and thorough judicial knowledge to native candidates for the bench, and of training up a superior and independent class of vakeels, or pleaders, who would elevate the character of the native bar, and be of great service in the efficient administration of justice in this country.

15. Your Petitioners would further ask, that, as regards the European servants of Government, a distinction, commencing in England, and preserved throughout, may be made between those who are destined to fill judicial offices in India and the executive officers of the Government; and that the former may be withdrawn from the operation of personal favour and individual patronage, and be selected, like the Judges in England, for their own merits and acquirements.

16. Your Petitioners believe, that if, whilst opening the highest judicial offices to the natives of this country, and fairly apportioning them between qualified natives and their European fellow-subjects, the office of Zillah Judge were thrown open to gentlemen of legal education, if no one were permitted to leave England for this purpose until twenty-six years of age, if a public committee, composed of four members named by the four Inns of Court, and two members by the Home Government, were appointed half-yearly to examine the candidates, selecting from them so many only as, according to the computed vacancies, were then required; if the course of examination, besides comprehending a knowledge of selected portions of the English substantive law, embraced the general principles of jurisprudence procedure, the law and constitution of India, and its modern history, a class of most able public servants to fill the office of Zillah Judge, and the higher grade, would be selected; and that a certain probation in India, ending with an examination of the candidates in two native languages, in the Hindoo and Mahomedan code, the local regulations, the tenures and customs of the country, would complete an education, and produce an efficiency, which would render the court of justice a blessing to the country, that would be heartily and gratefully acknowledged throughout the length and breadth of the land; and appellate courts, so constituted, would ensure to the English Government the firmest hold on the affections and interest of the people.

17. Your Petitioners, in their former Memorial, drew the attention of your Honourable House to the correspondence between the Board of Control and the Directors of the East India Company, contained in the 17th volume of the "Papers (printed in 1833, by order of the Court of Directors) respecting the Negotiation with His Majesty's Ministers on the subject of the East India Company's Charter;" and although well aware, from that correspondence, that they might justly have asked your Honourable House to discontinue the practice of periodically legislating for India, a practice exclusively connected with rights and privileges of the East India Company, put an end to by the arrangements made with them in 1833, still your Petitioners, not foreseeing the chance of arousing the interest and attention now bestowed on Indian affairs, petitioned your Honourable House to limit the period of existence of any future Government of India to ten years, but your Petitioners are now emboldened to ask your Honourable House not to debar them for any period of years from requesting a revision of what may be injurious in the coming India legislation; not to make them an exception to all British subjects in the distant colonies of the British Empire, who have all along been in the enjoyment of the privilege of approaching Parliament whenever the affairs of the colony have required imperial interference. It is simply necessary, Lord Broughton declared,

* *Vide* Appendix O. to the Report of the Grant Medical College for 1850-51. Dr. M'Lenhan, Government Examiner and Physician-general, has publicly certified that, "as far as examinations can test fitness for engagement in medical and surgical practice, the graduates of the Grant Medical College have proved their fitness to as great a degree as I believe is ever done in Europe."

declared, in his speech in the House of Lords on the 1st March last, to pass an Act, providing for the best form of Government both in England and India, without limiting its duration to any number of years; an Act which, like any other statute, might, if deemed requisite, be modified, altered or repealed as occasion might require: and, carrying out the same principles still further, your Petitioners would respectfully observe, that it cannot be necessary to embrace all the subjects involved in the discussion of Indian affairs in one Act; and that the constitution of the Home Government, the constitution and powers of the several local Governments, the construction of a new judicial service, and each independent branch of inquiry, if made the subject of separate legislation, would, in all probability, receive more careful attention, and be more satisfactorily disposed of, than if the entire mass of Indian information be gathered together in one, and thrown into a single enactment.

18. Your Petitioners therefore humbly pray your Honourable House, that this Petition, like their former Memorial, may be referred to the Committee now sitting on Indian affairs, with a direction to them to have regard to its contents on any measures of legislation which the Committee may propose to Parliament; and that your Honourable House will be pleased, if necessary, to cause commissions to issue to disinterested and independent persons at the three Presidencies, to collect evidence on India as to the practical working of the systems of Government in operation; and that such Committees may be authorized to examine all Government servants of whatever rank, and to require the production of any of the records of Government, not connected with State policy, calculated to throw light on the subject of inquiry.

And your Petitioners, as in duty bound, will ever pray.

Bombay, 23 May 1853.

FUGONNATH SUNKERSETT.
BOMAUJEE HOMARJIE.
&c. &c. &c.

PETITION, praying that a thorough Inquiry may be made into all Points affecting the Welfare of INDIA, of MADRAS NATIVE ASSOCIATION, and others, Native Inhabitants of the Presidency of MADRAS.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the MADRAS NATIVE ASSOCIATION, and others, Native Inhabitants of the Presidency of MADRAS,

Showeth,

1. THAT your Petitioners having read in the Parliamentary proceedings, as reported in the "Times" and other English newspapers, that Her Majesty's Ministry considers most of the subjects of their Petition "would be more properly left for the action of the local Government," your Petitioners beg to represent that the revenue system, against which your Petitioners have stated their strongest objections, was called into operation in consequence of the Fifth Report from the Select Committee on the Affairs of the East India Company, dated the 28th July 1812, and printed by order of the Honourable the House of Commons, which states, at pages 123-124—

"It appears to the Committee, from the examinations which they have made into the effects of the ryotwar principle of settlement throughout the modern possessions of the Company under the Madras Presidency, that it has greatly improved the situation of the cultivator, by limiting the bounds of the public assessment, and adjusting the actual demand on each person subject to such assessment, according to his ability to satisfy it, by relieving him from the oppressive exactions of the native revenue officers, and securing him in the protection of his property and rights. So favourable a change in their condition has necessarily excited a confidence among the ryots in the equity and justice of the Company's government; and this confidence has derived material strength from having periodically and frequently opened to them a ready and direct channel of communication and intercourse with the immediate representatives of Government on all matters connected with their interests and grievances, which has had the effect of binding them, as it were, to it, and of rendering them the real, instead of nominal subjects of the Company; while the natural consequences have been, that the ryots have received a new incentive to industry, cultivation has been gradually extended, by which an augmentation of the public revenue has been yielded, without an increase of assessment."

2. That this favourable opinion respecting the ryotwar was given at an early period of its trial on a small scale; and it appears, from the preceding paragraph of the Report, to have been derived from the opinion of three or four collectors, who had been instrumental to the introduction of the experiment, among whom was Sir Thomas Munro; but eight years afterwards—during which it had continued on an increasing scale, and in a modified or improved form, called field ryotwar—when Sir Thomas came out as Governor of Madras, he found it absolutely necessary, as stated in your Petitioners' former Petition, to reduce the amount of the assessment in the district in which ryotwar pressed lightest on the people, namely, the ceded districts: 25 per cent. on dry and wet lands, and 33 per cent. on garden lands. Sir Thomas

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Thomas died in India in the year 1827, at which period it was found that the public revenue from the land had then decreased to 42½ lacs, from a revenue of 57 lacs in the year 1807, a convincing proof that the new system up to that date had been a failure.

3. That your Petitioners have not the means of knowing the present revenue arising from the ryotwar; but they know that, under its operation, the ryots have been reduced to poverty and wretchedness; and your Petitioners pray that, as the Parliament has been the author of it, or that, at least, it has been established by its sanction—although in opposition to the opinion and wishes of the local authorities, who declared it to be contrary to the ancient national institutions, and unsuited to the condition and genius of the people—the same authority may now be the instrument of its abolition; not by acting upon the evidence of the Company's servants, taken in England, but by instituting a full and impartial inquiry into its merits and demerits, on the spot where it is in operation, and among and from the people who are suffering under its withering oppression.

4. That your Petitioners are convinced that by no other mode will your Right Honourable House be able to form a just and clear judgment on the question so momentous to the native subjects of the Crown in the Presidency of Madras; for, without reference in this place to the bias from which the servants of the Company cannot be supposed to free themselves, when speaking as to the effects of the favourite system of their employers, and which they have contributed to enforce and maintain, your Petitioners will advert to a particular instance of misinformation given by a gentleman who, without being suspected of bias, has given positive evidence, the contrary of fact, before the Committee of your Right Honourable House.

5. That the gentleman alluded to is Mr. Charles Hay Cameron, formerly the fourth or Law Member of the Council of India. This gentleman having been interrogated by the Committee which sat during the course of last year, regarding the *Lex Loci* of 1845, framed, as your Petitioners have reason to believe, by himself, and having admitted the receipt of a remonstrance against it from the Hindus of Madras, and Mr. Secretary Bushby's reply, is asked—

"No. 2098. What was the end of it?

"The law was not passed then, but it has been passed since.

"No. 2099. Was any reply made on the part of the remonstrants to the paper which you have read?

"No reply; I believe the justice of the doctrine was acquiesced in."

And in a subsequent examination the same gentleman is asked—

"No. 2359. Was there any reply received from the Petitioners after that document [Mr. Secretary Bushby's letter of the 24th May 1845] had been communicated to them?

"There was no reply received; there was another remonstrance of the same kind from some Hindoos at Calcutta, in reply to which we enclosed the answer that we had previously sent to the Madras Hindoos, stating that that contained our principles on the subject."

"No. 2363. After the passing of the *Lex Loci* had been suspended, in the manner which you have described on a former occasion, at what period was the subsequent law of the three articles introduced, proposing to re-enact those provisions with respect to the property of Christian converts?

"Legislative Consultations of the 2d August 1845, I find to be the marginal note on the draft made by me.

"No. 2364. Are you aware of any remonstrance, analogous to that from Madras, which had been previously addressed to the Government, having been repeated when those clauses were proposed as a separate measure?

"I have no recollection of any such remonstrance; I never heard of any after the two I have mentioned."

6. That Mr. Cameron had no intention to mislead the Select Committee of your Right Honourable House is clear, from his reply to question—

"No. 2366. Your evidence as to the appeal against the clauses applied to what occurred during your own stay in India?

"To what occurred during my own stay in India."

But as the fact of silence on the part of the Madras Hindoos seems to be implied by another evidence, Sir Herbert Maddock, who, when stating, in answer to No. 2239, that a remonstrance was made to Mr. Bushby's reply, points out (No. 2241) that it was from the Hindu inhabitants of Bengal, Behar and Orissa, the inference left on the minds of the Committee, your Petitioners apprehend, must have been, that the Madras Memorialists acquiesced in the justice of the doctrines, as stated by Mr. Cameron; and, as such an inference is not warranted from the facts of the case, your Petitioners deem it of consequence to explain the circumstances as they actually occurred.

7. That no reply was sent to Mr. Bushby's letter from the Hindus of Madras during Mr. Cameron's residence in this country, is undoubtedly correct; but as soon as the draft of the Act of "three Articles" was promulgated in the "Fort St. George Gazette," at this Presidency, in November 1849, a remonstrance was immediately forwarded against it to the Supreme Government, regarding which Mr. Bethune, who had succeeded to Council as Law Member, observes, "a great part of it is taken up with an elaborate argument in reply to Mr. Bushby's answer to the Memorial of 1845." This remonstrance was printed, along with other papers, by order of the Honourable the House of Commons, on the 7th May 1851;

1851; and your Petitioners beg to state that neither they nor the remonstrants, nor the Madras Hindu community, have ever acquiesced in the doctrines laid down by Mr. Bushby, but, on the contrary, they consider the legislation on the *Lex Loci* to be a direct infringement of their civil rights, and a positive violation of the Act of the Imperial Parliament, 21 Geo. 3, c. 70, ss. 17 & 18, as well as of the 53d section of the present Charter Act.

8. That your Petitioners allude to this circumstance chiefly to show the manifest uncertainty of the evidence taken before the Parliamentary Committees; and as the witnesses examined, without a single exception, are persons who have received, or are still in the receipt of, benefits from the East India Company, your Petitioners are compelled to believe that the actual state of things cannot be correctly ascertained, without sufficient evidence being admitted on both sides of the several questions which have to be determined; and your Petitioners therefore humbly represent, that nothing but a full and impartial investigation, in this country, accessible to the complainants, as well as to the defendants, can place before your Right Honourable House the real state of India, and the existence of the many and heavy grievances of which they have complained as regards the Presidency of Madras; they therefore respectfully request that a Royal Commission may be appointed, before which they may have the opportunity of substantiating the facts advanced in their former Petition.

9. That your Petitioners beg to represent that an Indian Commission is not altogether a novelty, there being a precedent in the one appointed in the year 1814, of which Sir Thomas Munro was the head, for the purpose of inquiring into and amending the judicial system then obtaining at this Presidency; but as not only the judicial system, but likewise that of the revenue, as also the various other complaints preferred by your Petitioners, imperatively demand investigation at this critical period, your Petitioners pray that the Commission they now seek may be constituted upon the widest practicable basis, to the end that the inquiry may be searching, impartial and complete; and that no permanent legislation for India may be undertaken until the fullest information possible shall have been laid before and fully discussed by, the Imperial Parliament of the United Kingdom.

10. That your Petitioners have already requested the continuance of the Councils at the minor Presidencies; and they now respectfully reiterate their prayer to have them constituted on the precedent of the Council of the island of Ceylon, in which your Petitioners' countrymen have enjoyed seats for a series of years; and, as your Petitioners understand that constitutions have been, or are on the eve of being, granted to the settlements of the Cape of Good Hope and New Zealand, admitting the natives there to the same electoral and municipal privileges as the European Colonists, they humbly and anxiously trust, that your Right Honourable House will not deem the barbarians of the former, and the cannibals of the latter colony more deserving or more fitting to be entrusted with a share in the management of their own affairs, than the inhabitants of a country which, for scores of centuries, has been renowned throughout the world for its civilization, literature and commerce, and which had its own sovereigns, governments and codes of law long before the English nation had a name in history.

11. That while your Petitioners acknowledge, and have asked for, the advantage of a reconstruction and improvement of the home and local administration of India, yet that alone will be of no avail to redress the grievances and reform the abuses of the local governments, so long as they are composed of two or three Company's officials, legislating in the utmost secrecy, and concealing with the most assiduous carefulness the whole of their transactions; secure not only from all check, but from the least shadow of knowledge on the part of the people, whose interests are unfortunately considered of not the slightest consequence to the Government, whose duty it is to legislate for their sole benefit.

12. That your Petitioners will consider themselves and their community deeply humiliated and deeply aggrieved if, after the open acknowledgments of persons high in office in this country and in England, that they are as capable to hold responsible employments as the members of the now exclusive civil service; that they are their equals on the bench, and successful competitors in the study of European arts, science and literature; they are longer shut out from the offices for which they are confessedly qualified, while the savage Hottentot and New Zealander are preferred before them.

13 That your Petitioners finally conclude with the expression of their earnest hope and prayer, that sufficient time may be granted for a thorough inquiry into all points affecting the welfare of this country, as distributed under the eight heads laid down by the Committee of your Right Honourable House; that the local Councils may be retained, and modelled upon the constitutional principle before adverted to; and that a Royal Commission, composed of Europeans and Natives conjointly, chosen partly in Europe and partly in India, may be issued to enter upon and complete the necessary investigation in this country.

And your Petitioners, as in duty bound, shall ever pray.

Chatehunsuarnhee Chitty, Chairman.
P. Rya Chitty.
&c. &c. &c.

Madras, 21st May 1853.

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PETITION of Mr. GEORGE J. WATERS, late a Justice of the Peace in INDIA, and a Covenanted Civil Servant of the East India Company, on the MADRAS Establishment, now of CLEVEDON, in the County of SOMERSET, complaining of his Removal, without Cause, from certain Offices which he held in India.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The respectful Petition of Mr. GEORGE J. WATERS, lately a Justice of the Peace in India, and a Covenanted Civil Servant of the East India Company, on the Madras Establishment, now of Clevedon, in the County of Somerset,

Humbly showeth,

1. THAT your Petitioner twice passed the examinations of the College at Haileybury with credit, and (obtaining honourable mention of obedience to the rules of that institution) finally stood the fifth among eight of 120 students "highly distinguished;" also that he received a donation of 1,000 pagodas, or 400*l*., in the College of Madras, for a knowledge of certain Native languages.

2. Rising through the minor grades of the judicial branch of the service, your Petitioner has held the office of Zillah and Civil and Sessions Judge, together with Her Majesty's Commission of the Peace, in various districts; also of Judge of Appeal and Circuit in all four divisions of the Madras territories, which no other civilian has ever done; during these circuits, which have necessarily subjected him to every vicissitude of a most trying climate, to a wandering life, separated from his family for many months, to extreme danger from sudden inundation and swollen rivers, to hazard of destruction in the northern division from the rebel chief, Päck Row; he has had, through a course of 800 miles, to clear calendars (especially in times of famine) consisting of at least 1,000 prisoners, with five times as many witnesses; the labour and fatigue, both in a bodily and mental point of view, attendant upon such vocations, and of subsequently transmitting to Madras, with translations into English, the records of trial in numerous cases of murder, &c., and in cases where there may have existed a difference of opinion between the Judge and Mahomedan law officer, is left to your Honourable House to imagine; receiving the repeated acknowledgments of different governments, your Petitioner (who has also acted in the Secret Department, under Sir Thomas Munro, and as Civil Auditor and Mint Master at Madras) was at length appointed First Judge of the Sudder and Fouzdary Udalut (or Chief Court of Civil and Criminal Judicature) at the Presidency, and naturally anticipated, in due course, a seat in Council.

3. Your Petitioner respectfully represents that, from the high and honourable position above designated, he was removed by the Marquess of Tweeddale (the then Governor), without cause, on the 20th of October 1846, and his hope of providing for a numerous infant family frustrated; also, that the Court of Directors of the East India Company, to which body he looked for redress, confirmed the act of the Marquess on the 20th January 1847, in utter disregard of the facts of the case, and unmindful of a long, faithful and (it is hoped) efficient course of service of 35 years.

4. In laying before your Honourable House the reasons assigned by the aforesaid authorities for an act which all who have seen the papers utterly condemn, your Petitioner, who is unable to meet the expenses attendant upon legal proceedings, and who has striven in vain to induce the Court of Directors to reconsider the case, and to draw the attention of the Proprietors of India stock to a matter so deeply involving (in its consequences) their very existence as a body, humbly and fervently implores your Honourable House to grant him a patient hearing: unless this prayer be acceded to, the door of justice must remain closed to him (and to many dependent upon him) for ever in this world.

5. A simple perusal of the official acts of the Marquess of Tweeddale in this matter will (it is believed) lead your Honourable House to conclude that he was not qualified by previous pursuits to realise the facts of the case, or to deal efficiently with its circumstances, consequently, that many of the mistakes apparent upon his writings, may be attributed to errors of judgment. This cannot be said of the Court of Directors; their duty was to have fully informed themselves, and to have set matters right.

The facts, divested of Indian phraseology and technicality, are briefly these:—

6. In the year 1845, the three Judges of the Sudder Court (Messrs. Waters, Lewin and Boileau) officially disagreed: 1st, upon a construction of law, originating with serious outrages perpetrated by the Heathen upon the Christian converts of Tinnavelly: 2d, upon the propriety of furnishing the Government with certain judicial information which they had called for; and, 3d, upon the expediency of forwarding a protest against such call to the Court of Directors. This state of things was well known to the Government of Madras; and your Petitioner, on the 25th June and 2d of July, and subsequently (or on the 8th July and 2d and 11th of August 1846), the other Judges officially informed the Marquess to the effect that the energies of the Court were paralysed, the administration of justice in the provinces suspended at the fountain head, and numbers of men lying in gaol whose cases could not be adjudicated upon; consequently that his orders were immediately necessary.

Now

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Now, it will be obvious to your Honourable House, that, "had the Government not neglected the letters above mentioned, and, forgetful of its duty, allowed the administration of justice to be placed in abeyance, the matter might at once have been set at rest." Instead of this, nothing effectual was done or communicated to the Judges for months, or until September and October 1846, when the Marquess broke up the Court, and removed the Judges, with Mr. Philips, the Registrar, from office.

7. Such procrastination and procedure certainly manifested no regard for the interests of the people, and no sense of humanity or justice towards the Judges and their families; it, moreover, left the great legal question which had divided the Court undecided. The order, too, of the Marquess stands in direct opposition to two Acts of the Imperial Parliament of Great Britain, namely, Act 39 & 40 Geo. 3, c. 79, s. 12, and Act 3 & 4 Will. 4, c. 85, s. 59, which placed him (as residing upon the Nillgherry Hills, and absent from his Council) in the position of a private individual, and lodged the powers of government in the hands of Mr. H. Dickenson, the Counsellor then at the Presidency. The Marquess may not have been aware of this; not so the Court of Directors, who affirmed the act, for your Petitioner brought it to their notice in a letter, dated the 1st January 1849, and Mr. Sullivan, formerly a member of Council at Madras, had (it is said) brought forward the fact during the government of Mr. Lushington; and the temporary or "three months" Act 1 of 1835, passed by the Legislative Council of India (possibly in consequence), can, under no circumstances, annul any Act of Queen, Lords and Commons. It is undoubtedly the fact that the Court of Directors have presumed, practically, to abrogate two Acts of the Imperial Parliament, and through such medium deeply injured your Petitioner.

8. The dissensions which occurred in the Sudder Court might have been obviated from the beginning, had not the Marquess appointed Mr. Boileau as third Judge. This gentleman, since deceased, a kind and warm-hearted man, but not qualified to sit in a Court vested with authority to pass sentences of death, without appeal, and to decide civil claims in the last resort, unlimited in extent, himself told me (not in any confidence), that when his appointment to the Sudder Court was proposed, Mr. Dickenson, the junior Counsellor, had placed upon record a minute noting his incapacity to fill the said office, and that he had, notwithstanding, been forced into it! The arrangement, to quote from his memorial, appears to have been made to save money; it runs thus: "His Lordship desires me (one of the assistant Secretaries) to point out to you that, as you are at present drawing a salary above the amount now fixed for Sessions Judges, a reduction to that extent would most probably follow your refusal of the present offer," that is, of a seat in the Sudder Court.

9. In the very order of the 17th September 1846, by which the aforesaid gentleman was removed from the Sudder Court, on the grounds that he was wanting in discretion and judgment, and in the independence of mind and character essential for the efficient performance of the important duties devolving on the Court" (the very thing which, it must be presumed, had been previously recorded in Council), he was promised another early appointment in the judicial branch of the service! Accordingly, at an early period he was appointed to the situation of Civil and Sessions Judge, a situation embracing vast power (though subordinate in some, not in all respects, to the Sudder Court), and calling for great "discretion and judgment." And this appointment the Court of Directors (who, for reasons assigned, had confirmed the removal of the third Judge from the Sudder Court) virtually affirm. In mercy to the millions of Hindostan, your Honourable House is requested to look into these things. Decrees, proceedings and orders have frequently come officially in appeal before your Petitioner (who can supply you with much valuable and astounding information), most disgraceful in their character, passed by men utterly incompetent to fill the office of a Judge, and often unacquainted with the laws, especially where removed from the revenue branch.

10. As regards your Petitioner, who had conscientiously sided with the Government in the matter of their call for papers and the protest, and, in consequence, been led to record minutes opposed to the sentiments of the Second and Third Judges, his removal from office involved an enigma which astonished every person (even the second and third Judges), and Mr. Dickenson (then by Acts of Parliament the Governor) suspended the order for a full month, and recorded minutes against it. Mr. Chamier, the senior Counsellor, then absent on sick leave upon the Hills, is said positively to have refused to join the Marquess in his proceedings. Your Honourable House is implored to call for papers: the proceeding is very serious in its character.

11. The Marquess, in his order of the 20th October 1846, for the removal of your Petitioner, adduces no corrupt practices, no act of disobedience or neglect of duty, or of incapacity; no crime or moral offence or failure in respect to the social or relative duties of life; nothing, in short, is adduced but alleged "irregularities," to justify the measure, and which, if they were such, should have been noted at the time when they were brought officially to his notice by your Petitioner himself. He ought not to have been left to suppose that his measures were approved by the Government, perhaps to repeat the irregularity in consequence, and after the expiration of months to find himself degraded and removed from office; surely humanity, independently of still higher principles, should have been permitted to plead at least in behalf of the children of one who had faithfully toiled amidst death and suffering for 35 years in such a climate as India.

12. Your Honourable House will fully understand the force of this argument (and, it is hoped, adopt a similar resolution), if you will turn to the decision of Lords Langdale, Brougham, Campbell and Sir A. Johnstone, of Her Majesty's Privy Council, who condemned and reversed the order of the Judges of the Supreme Court at Madras for the removal

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removal of Mr. Minchin, who filled some honourable post under the Judges. It was ruled, upon the occasion in question, that if Mr. Minchin was in error, he ought to have been told so at the time, seeing that the Judges had long been cognizant of the matter.

13. Your Petitioner will apply this. The Marquess, in his order of the 20th of October 1846, assigns as one irregularity, that your Petitioner had refrained from placing a certain letter, addressed by him to the Government on the 25th June 1846, upon the records of the Court. Now, this very fact, which your Petitioner himself brought to the notice of the Second and Third Judges in Court, and to the knowledge of the Chief Secretary, then with the Marquess upon the Hills, he also communicated officially to that nobleman on the 14th of July 1846. In this letter the Marquess was requested to bring the fact, if necessary, to the knowledge of the Court of Directors, and informed that, if the letter were placed on record, it would probably, like many others, be sent with very injurious effects to the newspaper by some one in the office, and, perhaps, excite tumult among the natives. The minutes of the Second and Third Judges, or all they had to say upon the subject, accompanied. Now this proceeding was before the Marquess for more than three months; and if there existed any irregularity, why did he not say so at the time, especially as the Court of Directors had been referred to?

14. Your Honourable House will learn with great regret that this letter of the 25th of June 1846, made upon such extraordinary grounds the medium of his removal from office, was acknowledged by the Marquess, and acted upon in his minute of the 24th of July 1846, and when the letter of the 14th of July (above noted) must have been before him. The Marquess is here clearly shown, with knowledge of all circumstances, to have, as it were, adopted the very letter on account of which your Petitioner, months afterwards, was removed by him from office. Such removal, were it just, virtually pleaded for the removal of the Marquess also, as the Court of Directors must have perceived.

15 The Court of Directors, speaking of this, call it a "secret transaction." How secret, when all were told of it? Minutes forwarded, the Court of Directors referred to, and reasons assigned, which, if deemed unsatisfactory, should have led the Marquess to have ordered it to be placed instantly upon the records, and not at a subsequent period. This nobleman himself, obviously annoyed at the remark of the Directors as reflecting upon himself, says, in his minute of the 23d of March 1847 (no doubt referring to your Petitioner's letter of the 14th of July 1846), "There was nothing in it to indicate that it was intended to partake, or did in any way partake, of the character of a private or secret accusation." What conceivable object, it may be asked (for none has been assigned), could your Petitioner have had but the legitimate and humane object he from the first set forth, namely, that of preventing the possibility of revolt and bloodshed in connexion with the Tinnevelly outrages, and of preventing the further spread of the bitter animosities which then agitated the Presidency?

16. The Court of Directors, in remarking that your Petitioner should have communicated with the Judges, have altogether overlooked the fact that his sentiments were already before them in a case precisely analogous, and where compliance with the orders of Government had been attended with the happiest result. They have also (though both circumstances were communicated to them) deemed it right to pass over the fact that the Third Judge, who had coincided with your Petitioner, and endorsed upon the letter from Government, "This requisition (that is the Government requisition for papers) should be conformed to without loss of time," suddenly changed his mind, and embraced the views of the Second Judge. Thus thwarted, and placed in a minority by a gentleman who ought not to have been appointed to the Court, your Petitioner deemed it the proper course to address, not the Second and Third Judges, who knew his sentiments, and had placed their determination upon record, but the Government. If in this respect he erred (which is not admitted), he ought to have been told so at the time.

17. Another "irregularity" noted is, that your Petitioner had used the words "Heathen and Christians" in his public writings. Now, in a minute dated the 23d of March 1847, the Marquess himself admits that he had frequently done the same thing, and objects to the censure of the Court of Directors passed against him, on the grounds that they ought, at an earlier period, to have noticed the circumstance. Had the Marquess extended this consideration to your Petitioner, he would not have been necessitated to seek redress from your august tribunal.

18. Another "irregularity" adduced is, that your Petitioner had, on the 16th of July 1846, addressed a letter to a certain newspaper in "self-defence," when slandered in the newspapers. Now, your Petitioner, on the 23d or 24th of July, informed the Government that he had done so. If incorrect, why was he not then rebuked, instead of being left, perhaps, to repeat the "irregularity," and meet with dismission months afterwards? Your Petitioner gave publicity to no official document, and, consequently, committed no offence. So strictly, indeed, was his letter confined, as the Marquess admits, to "self-defence," that the public were requested to suspend all judgment till the truths, in deference to Government orders, could with propriety be made known. It was the duty of the Government themselves, by the Bengal letter of the 30th of August 1843, to have protected your Petitioner upon other occasions when attacked by writings in the office; but this they utterly neglected to do. The letter in the newspaper was signed, it is remarked, in a feigned name. Yes, to prevent a paper war among the editors throughout the Presidency, and to prevent the spread of uncharitable remark and ill-will, it was so signed; and, seeing that it was solely written "in self-defence," what does it signify how it was signed?

19. The Marquess adverts, also, to an altercation which took place (not in the court, but in chambers).

chambers). Such altercation, had he [*vide* paragraph 6] attended to the letters of the Judges, would have been altogether avoided. It is sufficient to remark, that your Petitioner regrets having, in an elevated tone of voice, asked for information (when denied) respecting an injurious letter; and no doubt Mr. Lewin regrets having, when excited, used expressions which otherwise would not have been thought of. As to remarks about religious expressions indicating weakness of judgment, style of writing, and animosity, they merit no attention; if aught upon such grounds became apparent, and was deemed objectionable, it should have been checked at the time. The consistent walk of your Petitioner, as a gentleman and a Christian, can be deposed to, were it necessary, by many men of high rank, both among the clergy and the laity; and to the last moment of his life he will rejoice in the fact that he advocated the cause of the Christians of Tinnavelly, whose houses and schools were plundered by hundreds of armed midnight ruffians from the Heathen, who also violated their females, and perpetrated every possible outrage. As to animosity, if anything could sanction such a principle, it would be the conduct he has experienced at the hands of the Directors; but he cherishes no such feeling; it is abhorrent to his principles.

20. Your Petitioner has every reason to believe that the onerous and responsible duty of dealing with such important matters, and the merit of crushing the first Court in the Madras Presidency, devolved not upon the 24 members who in October 1846 constituted the Court of Directors, but upon a secret committee, two members alone having signed the despatch of the 20th of January 1847. Be this as it may, the injustice is the same. Possibly a perusal of this paper may excite some compassion and regret in the hearts of those who perpetrated it.

21. Your Honourable House will deeply regret to learn in addition, that your Petitioner's removal was sanctioned before his Memorial (written without delay) reached England, that is, without any opportunity being allowed him of making any defence, or even of presenting an answer. In the face of a proceeding not adopted even in the case of the most abandoned criminal, an appeal preferred to the Court of Directors, subsequently to his reaching England, obtained no other notice than that the case had been "deliberately considered." Surely this falls little short of adding insult to injury. "Deliberately considered," without permitting the accused to offer explanation or defence, and without detecting the weakness and rectifying the errors so self-evident upon the proceedings of the Marquess.

22. Assured, as mentioned in his Memorial, that the Court of Directors must necessarily restore him to the Sudder Court as soon as the case reached England, your Petitioner, for the sake of his family, accepted a subordinate situation in the interim; when, however, the proceedings of the Marquess were confirmed, and the full salary drawn by him previously to entering the Sudder Court was refused, though granted to the Third Judge, Mr. Boileau, he felt constrained to resign the service. It is submitted that no man of proper feeling could act otherwise.

23. Your Petitioner, as one of Her Majesty's Justices of the Peace for not less than 20 years, was also a servant of the Crown, as well as a servant of the East India Company; he may, therefore, it is hoped, under section 51, c. 85, Act 3 & 4 Will. 4, claim with greater confidence the intervention of Parliament, to which high authority it is "reserved to control, supersede, or prevent all proceedings and acts whatsoever of the Governor-general in Council," and, of course, of the minor Presidency of Madras; and the more so, because his removal was not opposed to justice merely, but, as shown in the seventh paragraph of this Petition, to two Acts of the realm. In being deprived, upon grounds almost unintelligible, of a situation of 5,000 *l.* per annum, he cannot but feel that he has experienced deep ingratitude and shameful wrong, which it is the duty of his country, so long and faithfully served, to redress.

24. Lastly, your Petitioner respectfully requests that you will, if necessary, call him to your Bar, to reply to any remarks which may be made, to produce or point out his documents, and to name his witnesses. Your Honourable House is further entreated, after due consideration, to pass such final orders as may appear in your wisdom to be just and proper, or, with the consent of Her Majesty, to direct his appointment, under the last clause of section 61, Act 3 & 4 Will. 4, c. 85, to any office which past pursuits may qualify him to fill, under such form of government as may prospectively be determined upon for India.

And your Petitioner will ever pray, &c.

Appendix D.

PETITION, complaining of the Evidence given before the Select Committee of this House on the Government of INDIAN TERRITORIES, on the Subject of NEWSPAPERS in INDIA, of Doctor GEORGE BUIST, Editor of the "BOMBAY TIMES."

To the Right Honourable the Lords Spiritual and Temporal of Great Britain and Ireland, in Parliament assembled.

The Petition of Doctor GEORGE BUIST, Editor of the "Bombay Times," Secretary to the Geographical Society, Founder and Superintendent of the School of Industry, late Sheriff of Bombay, and formerly in charge of the Astronomical, Meterological, and Magnetic Observatories of the East India Company at Bombay, formerly Secretary to the Agricultural Society of Western India, and in charge of their Experimental Gardens,

Showeth,

THAT your Petitioner has been close on twenty years connected as editor with the newspaper press, for a third of that period as editor and proprietor, having for nearly eight years conducted with credit and success newspapers in the central counties of Scotland, Forfar, Perth and Fife, and for more than twelve been editor, and for six editor and principal proprietor of the oldest and most extensively circulated journal in Western India, the "Bombay Times," and that for the whole of this long period he has had constant occasion to study most carefully newspapers from nearly all parts of the world, those of London in particular, to some of which he has been a large and highly paid contributor, having occupied his closest attention.

That the "Bombay Times," one of those three daily papers published at the Presidency, was brought into existence in 1838, shortly after the passing of the Charter Act (1834) and the removal of the disabilities of the press by Lord Metcalfe (1835), and with the express view of advocating public improvement, and devoting itself to the interests of the country, to the discussion of the views and policy of Government, and the examination and diffusion of those opinions, facts and doctrines, the circumstances of the occasion, the exigencies and prospects of the period rendered expedient, with the cordial approval of Sir Robert Grant, the Governor of the time, and countenance and support of the most distinguished servants of Government. Its projectors and proprietors comprised amongst them eleven of the principal European houses in Bombay, the oldest and most distinguished native merchant, two of the most eminent barristers before the Supreme Court, and the most distinguished private medical practitioner in Western India. That they selected as their editor Dr. Brennan, a lecturer of eminence on anatomy in Dublin, whose health rendered a warm climate desirable, and who, on his arrival at Bombay, was elected to the then responsible office of Secretary to the Chamber of Commerce, besides being Editor of the "Times."

That the proprietors of the "Courier," the principal paper in Bombay up to 1838, and long the recognised organ of Government, were equally eminent as those of the "Bombay Times," and that the paper had engaged from time to time the services as editors of many of the most talented servants of Government.

That the first editor of the "Bombay Times," Dr. Brennan, having died in 1839, the paper was for a time conducted by Professor Henderson, of the Elphinstone College, a servant of Government. Afterwards by Dr. Knight, at present Residency Surgeon, Khota, and of the Bengal Medical Service; and that your Petitioner, having been selected, from the eminence he had attained as a provincial journalist in Scotland, to the editorship of the "Bombay Times," entered on his duties in May 1840, and has continued to conduct the paper ever since, with the highest approbation of his employers, on the principles on which it was originally started.

From the constant fluctuations in the mercantile community in Bombay, numerous changes in the proprietary have from time to time taken place, and the "Times," having always yielded, as it continues to yield, from 30 to 40 per cent. of dividends annually on the amount originally invested, a number of the most distinguished servants of Government became proprietors soon after the promulgation of the permission of the Court of Directors, for its Civil and Military servants to connect themselves with the press.

That your Petitioner has not only devoted the columns of the "Bombay Times" to the advancement of good government; to the spread of education, of improvement and economy; to the denunciation of those bloody and superfluous wars, which within these twelve years have cost us thirty millions sterling; and that policy which, under the name of expediency, disregards the principles of truth and justice, and sets up a standard of morals for statesmen opposed to the principles of Christianity, and the evils of which to our name and character, as Wellington has so well remarked, cannot be compensated by the most brilliant victories, but, as far as circumstances permitted, endeavoured, in his private capacity, to promote the improvements he, as an editor, recommended, a circumstance to which numerous letters of acknowledgment received from Government bear ample testimony.

Under

That, so far is this from being the fact in the case of your Petitioner, that he has been frequently charged by his brethren with being the organ of the local Government; and in the majority of cases coming under discussion, his views and those of the Government have coincided with each other; that, being averse to needless aggression, and uncalled-for war, he was opposed to the general policy of the Government from 1840 to 1845; that since then he has been a warm supporter and ardent admirer of the proceedings of Governors-general of India almost throughout. Your Petitioner was as one with the Bombay Government in the deposition of the Rajah of Sattara, in their views of the war in Affghanistan, and in the conquest of Scinde, in their views of the conduct of the Nuffoosk Commission, the Court of Directors having in 1841, expressed themselves in nearly the same terms as were used by your Petitioner on the subject in the previous year; that your Petitioner highly applauded the revenue arrangements of Government, their anxiety to promote the improvements in the culture of cotton, their desire to advance the native education, by conferring Government

for the first time, put into a convenient and popular form, and the desi

great measure brought about in the course of two years; that your Petitioner, in 1840, condemned the arrangements then made for the reception of sick soldiers from Aden, and a general order was a few weeks afterwards issued securing the remedies suggested; that your Petitioner was opposed to the Government in the discussions on Baroda matters, but

appointment has accordingly been abolished; that in 1849 your Petitioner pointed out the enormous sums expended in the Affghan war, and the derangement of our commercial relations which the transmission of so much specie into a country from which it would not for many years return, must occasion; and the views of your Petitioner were fully borne out by the state into which the finances of India had been brought by 1841, when the Honourable Mr. Bird, then President in Council, stated to Sir Henry Willock, that the shutting of the Treasury in September had been contemplated; by the statement made by the late Sir Robert Peel, in assigning this as one of the reasons for the imposition of the Income Tax, and by the accounts of the Honourable East India Company since then published, and that, in like manner, in the great majority of occasions in which your Petitioner has chanced to be opposed to some one division of the authorities, his views have been borne out by the others, and have been afterwards shown to be in consonance with fact. He considered the annexation of the Punjaub unwise and unjustifiable in 1846, and it was left in the hands of the Seikhs, and he deemed its annexation inevitable in 1848, and in 1849 it was annexed.

The groundlessness of the last of these imputations will be apparent, when it is recollected that there are seven daily and 20 or 30 tri-weekly or bi-weekly newspapers in India, and that there are not as many Europeans in the country altogether, not connected with Government, as could provide subscribers or supply intelligence for a single daily newspaper.

That, in point of fact, a large number of the newspapers are principally or wholly the property of servants of Government, and are conducted by retired or invalid officers from the Queen's or Company's army. That your Petitioner is prepared to prove, what must be well known to many Members of your Honourable House, who have long been readers of the "Bombay Times," that however inferior the best of the newspapers of India may be to those at home in point of talent, that in point of propriety of expression and decorum of language, and in point of amount of space devoted by them to important subjects of discussion, or in point of the magnitude and importance of these as bearing on the interests of the country, they are second to no newspapers in existence.

otherwise command. That so far from directing less space to the cause of good government, the spread of education and public improvement, than is devoted to these subjects by the papers at home, they devote a vast deal more; if dealing with statistics, agriculture, police, municipal, sanitary, commercial, and other such like matters, bearing directly on the improvement of the country and welfare of the people is to be considered such, where party politics are things unknown, rather than the political controversies and factious disputes and abuse from which* the columns are exempt; that by means such as now related, a vast quantity of valuable and interesting information, much of it gathered from printed public documents, but transmitted into a condensed, popular and readable form, is diffused amongst the members of the service, and more intelligent of the native community; the former of whom are in India very apt to lose habits of reading altogether, the latter of whom require still in a great measure to acquire them, both turning to the local newspapers as the chief sources of supply.

that they are not even in this respect behind the spirit of the age, may be judged of from the recommendation of the Report of the Post-office Commissioners, now under the consideration of Government, to the effect, that such an additional postage be imposed on newspapers imported from England as virtually to exclude them from all parts of India but the Presidencies.

23d of June 1842, Sir John Hobhouse stated, in the House of Commons, in opposition to the motion of Mr. Bailey, for the production of the papers in an unmutilated form on which the Affghan war was granted, that Lord Palmerston and his colleagues considered the explanations of Count Nesselrode in reference to the proceedings of Russia in connexion of the affairs of Herat, "satisfactory, because they were carried into effect," and Count Limonich and Lieutenant Vicovich were recalled. According to the official despatches published by Parliament, the satisfaction to the Russian Cabinet here referred to, was intimated to Count Nesselrode, under date 1st November 1838, the re-call having first been made known on the 5th of March 1839,—discrepancy duly exposed at the time by your Petitioner. About the same time, Lord Fitzgerald and Vesey, the President of the Board of Control, affirmed, that his predecessors had not unfairly garbled the "Blue Book" of 1839: the papers of Sir Alexander Burnes having been published entire by your Petitioner, by desire of the relatives of that lamented officer, show, as is now universally admitted, instances of garbling, such as find no parallel in history. In June 1841, Lord Palmerston ... at Tiverton described the whole of Affghanistan as

for Griffin's expedition; the Nooskey expedition; the unhappy affair of Nojjuck; the general movements of troops in Scinde and Shawl, with the universal marching and counter-marching of detachments throughout the country occupied, as we then were in five simultaneous or immediately consecutive campaigns around Jellalabad, Khelat-i-Ghilzie, Ghirisk, Mooltan and the Sebee country. In the "Overland Times" for July 1841, estimates of the expenses of the Affghan war up to that date was published by your petitioner, so closely approaching the statements afterwards given from official authority by Sir Henry Willock and Sir Robert Peel, as to show the close approaches that could be made to truth by those who earnestly sought after it; and from these and other inquiries your Petitioner came to the conclusion, which he published about the period referred to, that to maintain the Dooranee Alliance was next to impossible; the attempt to maintain ourselves in Affghanistan, a folly, which could not but issue in the most frightful disasters. Had the warnings he then gave been attended to in time, the events of Cabool, which six months afterwards justified the soundness of his views, might have been avoided, and the darkest chapter in our history

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left unwritten. In 1842 Lord Palmerston taunted Sir Robert Peel with the supposed intentions of the Ministry to abandon the Dooranee Alliance, and retire from Affghanistan, in obvious ignorance of the resolution come to by Lord Auckland on the 3d of December 1841, and known to the Board of Control, that in the event of the loss of Cabool, no attempt should be made to renew the occupation of Affghanistan. That in 1843 your Petitioner, who had been one of the most ardent admirers of Lord Ellenborough while he professed nothing but peace and improvement, and of Sir Charles Napier before he attacked the Amers, pointing out the monstrous injustice of our invasion of Scinde, he prepared an estimate, now fully justified by fact, that it could not be maintained with less than an augmentation of 9,000 men, and accordingly betwixt 1843 and 1841 the Bombay army was increased by 13,605, from 51,694 to 65,299, the latter number not being likely hereafterwards to be diminished, even though Aden is now garrisoned by Madras troops. At the same time he estimated the annual expense it must impose upon us at about half a million sterling, thus falling about a third or fourth short of fact. That at both these periods the journals at home, and leading speakers of the time, seemed in ecstacies with the imagined wisdom that had been displayed, and the rare good fortune that had attended it, when in reality our misconduct was drawing down upon ourselves the heaviest calamities that could have befallen us. All these things are now matter of history, as much beyond the reach of remedy as of dispute; that had the press or the politicians of England examined or believed the statements then set forth by your Petitioner, and all since fully verified, the blot which Scinde throws upon our good name might have been obliterated, and the disgrace and mischiefs it has occasioned us, avoided.

That shortly after the liberation of the press, Lord Auckland most wisely expressed his anxiety to encourage the servants of Government to connect themselves with the newspapers, and that Government should afford journalists all the information that could be given them under the secret system insisted on from home, desiring thereby to increase the predisposition that he knew must exist to speak favourably of Government, when present or former Government servants were the speakers, and those still in Government employment the listeners. In March 1842 and August 1843 all this was put an end to by the order of Lord Ellenborough; and the Court of Directors, who were understood to have disapproved of nearly every other measure under his Lordship's administration, have permitted the most objectionable of them all to pass uncensured.

That from the time the measure of Governor Metcalfe deprived Government of the power of deporting editors for re-printing the Reports of Parliament or articles of intelligence of the Home newspapers, and of indulging, as they did, most freely in persecution of the press, scarcely surpassed by those of France of the present date, there seems to have been a constant desire to slander those who could not be reached by Lord Auckland, and those around him proving honourable.

That on the 12th of February 1841, Mr. Hume called the attention of the House of Commons to certain obnoxious statements made by correspondents in the "Agra Akbar" and "Bombay Times," in reference to the death of a trooper of the 2d Bengal cavalry, said to have been shot in a corn-field near Ghuznie in July 1839, while supposed marauding, in reference to which the conduct of Lord Keane was severely blamed. The chairman of the Board of Control, then bringing forward a Motion for a pension of 2,000 *l.* a year to his Lordship and his descendents, stated, that the moment he observed the reports in the newspapers on the subject, he made the most diligent inquiries as to its truth at the India House, the India Board, and of parties who had shared in the Affghan campaign, and found that the statements in the newspapers, which he termed rascally, were false; that the trooper had been shot at night by the videttes, under the order of the Provost Marshal, strict directions having been given to protect the corn-fields from depredation, and that the report had never been heard of till after Lord Keane had quitted India.

That your Petitioner, who had just then (May 1820) arrived in India, and could individually have no knowledge of the matter, and no bias in favour or against any one, received his information from a distinguished staff officer of Lord Keane's army, and who is still alive, and your Petitioner is in a position to prove that the trooper was shot during the day, not by the videttes at all, as the regimental records will show that he was wounded by small shot, never used in the army, and that the piece was fired by Lord Keane's own hand, who naturally, of course, prevented any official report from being furnished to Government, though authentic information must exist regarding it in the hospital returns of the regiment; and in the records of the Bengal Medical Board, instead of never being noticed till after Lord Keane had quitted India on the 31st of March 1840, it was fully discussed in the "Agra Akbar," and most of the other Indian newspapers in August 1839, and in the "London Spectator" of February 1840, having sufficient time for making inquiries at the proper quarter, before the pension discussed came on. That Lord Keane was himself not slow in noticing what appeared in the newspapers, may be gathered from the action in which he was cast against the "Bombay Gazette" in July 1836, for having re-published from the "Englishman" a letter, accusing him of having caused a trooper condemned at Deesa to be hanged without the sanction of the Government, required by the Regulations; and the fact of his having passed the present charge (pronounced so grossly libellous in the House of Commons) by unnoticed, indicates that he felt its truth: the names of the newspaper writers, though, according to custom, withheld from the letters, were perfectly well known; the manuscripts of some of them are still in the hands of your Petitioner, and there is no reason to doubt that, if called upon, they would not be unwilling to substantiate their statements, the truth of which no one in India ever doubted.

On

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On the same occasion, and with the view, apparently, of throwing further discredit on the press, it was stated by Sir John Hobhouse, "that the House was aware, that in the last campaign (that is, the campaign under Lord Keane in 1839, then being considered by the House) a disaster had befallen our troops, under command of Major Clibborn, while endeavouring to relieve a fort," the two subjects getting mingled up in the debate, and both forming grounds of obloquy on the press; that a Commission had been appointed to inquire into the disaster, the reports of which had been surreptitiously obtained and published by the newspapers just before the departure of the mail of the 1st of December.

In point of fact, the trooper of the 2d cavalry was shot in July 1839, near Guznee, in the centre of Affghanistan, 60 days' march at least from the pass of Nuffoosk, where Major Gibborn was repulsed on the 31st of August 1840, 13 months afterwards, nine months after Lord Keane had quitted command in Affghanistan, and five months after he had left Bombay for England. The report of the Commission, which bears date 22d of November 1840, obtained publicity through the instrumentality of General Brooks, its chairman, subsequently deprived of his command of the troops in Scinde, as a punishment for this; it appeared in the "Bombay Courier," on the 19th of December, that paper being blameless in the matter, not as stated immediately before the despatch of the mail, or with any view whatever to the injury of the prospects of Lord Keane, who could in no shape be affected by it, and in reference to whom it was not known that any debate was impending, but 12 days beforehand, leaving abundance of time for the commentaries which were made upon it in the "Bombay Times," and which were sent home along with it by your Petitioner, which expressed the very same sentiments in almost the same words as those expressed by the Bombay Government six months, and by the Court of Directors nearly a twelvemonth afterwards.

On the same occasion Lord John Russell spoke of Lord Keane's crossing the Indus on his advance as an event of sufficient importance to be coupled with his march through the Bholan Pass. Lord Keane and the Bombay column in reality marched through Scinde by Larkhana, to the mouth of the pass, and never crossed the river at all.

In July 1843, a letter from General Nott appeared in the English newspaper, bearing date Lucknow, 4th of April, and which must have been sent home direct, for publication, in reply to one from Sir James Lumley, Adjutant-general to the Bengal Army, of 29th March, calling upon him by direction of the Governor-general to report upon certain excesses said to have been committed by the British troops in Affghanistan: the letter of Sir James Lumley has never appeared in print, and its tenor can only be gathered from the terms of the reply, written as it is in a wild, declamatory tone, apparently, from the first, intended for the press, and as unlike as possible the calm and temperate style of official correspondence between an old Major-general and the Adjutant-general of the army. It would appear that General Lumley, by direction of Lord Ellenborough, had asserted, that certain very infamous imputations had been made against the army by the newspapers, and these were pronounced to be "gross and villanous falsehoods." In reality they were never made by any one, or heard of in India, until General Nott's letter, denouncing them, appeared and the conclusion, that the whole affair was got up with the view of giving a blow to the character of the press, is inevitable. General Nott's letter was forwarded to England through the Secret Department, and was not made known to the Court of Directors by the Secret Committee till after its publication, of which no notice seems ever to have been taken by the Government of India, although severely blamed in the official despatch of the Court to the Governor-general, under date 2d August 1843. Yet so averse at this time was the Government of India to all communication of its servants with the press, that Mr. Erskine, of the Bengal Civil Service, had the previous year been punished, by loss of employment, for sending to the "Friend of India" an extract from a private note from his kinsman, Sir William Macnaughten; and the publication in the "Bombay Times" of the letter from Colonel Sleeman, Resident at Bundelkund, correcting some misstatements in reference to his proceedings, called forth the most stringent general order against all communications with the press.

The extent to which the newspapers of India are indebted to the servants of Government for support, instead of being prepared for, and maintained by those unconnected with, the services, as asserted, is easily susceptible of distrust, and specific proof from the subscription list of the newspapers themselves, which will be produced, if required, or by the examination of the editors: in 1848 the "Mofussilite" printed a list of all its subscribers, from which it appeared that four-fifths of these were members of the public service; and in a classified list of its subscribers, lately laid before the proprietors of the "Bombay Times," and which is at the service of the Committee, it appears that out of 1,000 subscribers, assuming that to be the number on the list, (123) one hundred and twenty-three were civil servants of the Government, (179) one hundred and seventy-nine messes and regimental libraries, (317) three hundred and seventeen military men, (52) fifty-two British merchants, (36) thirty-six banks and public corporations, (26) twenty-six were Natives, (243) two hundred and forty-three were private individuals, uncovenanted servants, tradesmen, &c.; the rest clergymen, lawyers, native rajas, and the like, or in all 719, or two-thirds of the whole were officers of the Crown, or covenanted servants of Government. It may safely be assumed that the maxim which holds good all over the world will obtain in India, and that the amount and nature of commodities brought to market will speedily adjust themselves to the demand. That newspaper proprietors will supply, and newspaper editors write, what is deemed most popular and acceptable amongst the newspaper reading classes, and what they are best disposed to pay for, that the returns on such things are ample, will be seen from a paper published in 1850, when the "Bombay Times" changed its proprietors; by this it [illegible] shown,

shown, that during the previous ten years your Petitioner had earned, as remuneration for himself, or free profit for his employers, the sum of 33,000 *l.* sterling in cash, besides meeting all the charges of the establishment, and extending its strength and efficiency. Appendix D.

On the examination of Mr. Melvill in the Committee of the House of Lords, their Lordships have most wisely pointed out the great mischiefs occasioned by the apathy of the people of England, in reference to Indian affairs, and suggested the importance of endeavouring to confer greater consequence and order on the meetings and debates of the Court of Proprietors; with this object in view, yet a dead set seems to be made from all quarters against the press of India, through the means of which alone the people at home can be enlightened as to the current events of the day, there being no other organs which now exist, or are likely to be brought into existence, for public information; the mistakes of the Home Journals, whenever they venture beyond the information supplied them from the East, forming the most fruitful subjects of ridicule in India, of which the recent alarms in reference to the war in Burmah, the progress of which had been so faithfully traced beforehand by the Indian newspapers, forms an example, and the errors of public men occurring by accident, being enhanced by those which are intentional, as in the case of the papers of Sir Alexander Burnes of 1838, and the despatches from Sale's Brigade in 1841, leaving no source of information open for the public to resort to that is now unobjectionable, save that the press of India supplies.

That the source of these aspersions, or misapprehensions, seems to be in the misconduct of a small proportion of the journals of India, for the most part conducted by men fresh arrived from newspaper offices at home—journals which do not more fairly represent the press of India in general than do the "Satirists," "Ages" and "Towns" of London represent the newspapers of England, the existence of which, at all times precarious and short-lived, might seem inconceivable, were it not, from the diversity of tastes amongst us, such as that manifested by the late Commander-in-Chief, Sir Charles Napier, who mentioned the "Gentleman's Gazette," in his public letters, as the only upright, respectable paper in India, that journal having been pronounced by the unanimous voice of the Indian Press, a disgrace to it.

That the officers of the Indian army, and members of the civil service, who may be supposed to be tolerable judges of such matters, send home by every mail 3,000 or 4,000 copies of Indian newspapers for the use of their friends, although these cost from two to three times the cost of the newspapers published in London, professedly devoted to Indian subjects, and which embody at least twice the amount of the printed matter Indian newspapers afford; that the character of our newspapers throughout the Continent must be very different from that the witnesses before your Committee confer on it, may be inferred from the fact that your Petitioner has long had on his subscription list a considerable proportion of the Courts or leading statesmen throughout the east of Europe.

Your Petitioner therefore humbly prays,

That your Honourable House will give instructions to your Committee, now assembled for the investigation of Indian affairs, that, instead of accepting, as hitherto, evidence on the state of the press emanating, as in the case of Mr. Mill, either from gentlemen who profess to possess no personal knowledge on the subject, but are made to assent to the most obnoxious and injurious insinuations interwoven in the questions put to them, or who may of themselves become prejudiced against the press from strictures made by it on their own public conduct, or may consider it, as a vast number of public servants still do, the grossest impertinence in newspapers to presume to make any remark whatever on the conduct and condition of the privileged classes, that they will summon before them gentlemen, and cause them to be duly interrogated, from India, or at home now, or formerly connected with the press in the east, who alone can speak with authority on this most important subject.

The Indian newspaper press is now on its trial; the great measure of Lord Metcalfe has come into operation since last Charter Act was passed; the fears expressed by Serjeant Spankie, and other distinguished men, 25 years ago, of the frightful consequences of unlicensed journalism in India, have proved as visionary as the alarm of Mr. Melvill and others at the consequences of free trade; the ignorance prevalent regarding it, even amongst men of the highest talent connected with India, will be seen from the grievous misstatements in Thornton's History, in the articles written by a distinguished Bengal civilian in the "North British Review," 1845, in Mr. Campbell's book, and

The extent to which English education is now spreading amongst the native community is rapidly introducing habits of reading not before in existence, and which will, of course, seek gratification from the English newspapers, as being most readily attainable and at hand, and it is therefore of the utmost importance both to England and to India that

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that no misapprehension shall exist as to the position the newspaper press actually occupies; if it should prove to be the mean, vile and contemptible thing it is described, some means should be taken to qualify it for all the important tasks it is to perform, and the lofty desti-

your Honourable House will admit, that few things can be found more unjust, cruel or intolerable than for the only body of professionally literary men existing in the east, labouring with the utmost earnestness and singleness of purpose as public instructors, and for the public good, often individually devoting an amount of time, labour and thought to benevolent enterprises such as might put highly-paid servants to shame, and whose great ambition themselves is to deserve and secure the approbation of their countrymen, stigmatised, without a shadow of excuse or foundation, as coarse, untrustworthy, vulgar, slanderous writers, worthy of no respect or estimation whatever, and whose statements are entitled to no weight or consideration.

That your Petitioner, in seeking redress for himself, has restricted his complaint and assertions to the "Bombay Times," simply because he had no authority to include the grievances of his contemporaries amongst his own, although the grounds of his complaints are general. He claims no peculiar excellencies for the paper he conducts over those of his brethren, from the columns of which many of the most important facts he has had to deal with have been drawn, and he has no doubt that they will claim, as they justly may, for themselves and their journals as great an amount of consideration at the hands of your Honourable House as your Petitioner claims for himself and for his.

That your Honourable House will take these things into your early consideration, and adopt such measures for procuring the redress that is desired as may in your wisdom seem meet, is the prayer of your Petitioner.

And your Petitioner will ever pray.

George Buist,
Editor of the "Bombay Times."

Bombay, 17 November 1852.

PETITION, complaining of certain Acts of the Government of India, and praying for Redress, of Jevanjee Pestonjee and Rustomjee Viccajee, British Subjects, and Parsee Inhabitants of Bombay.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The humble Petition of Jevanjee Pestonjee and Rustomjee Viccajee, the Sons and Representatives of Viccajee Merjee and the late Pestonjee Merjee, British Subjects, and Parsee Inhabitants of Bombay, lately carrying on the Business of Bankers and Merchants at Hyderabad, in the Deccan, as well as in Bombay, and other Places in British India,

Most humbly showeth,

That your Petitioners, as well as their fathers, who are British subjects, have suffered, and have been for more than eight years suffering under grievous wrongs done them by his Highness the Nizam's government, involving as well personal injuries as pecuniary losses, wrongs which your Petitioners confidently believe no British subject, other than those under the government of the East India Company, would be allowed to undergo with impunity to the wrong-doer. For the redress of those wrongs and losses, your Petitioners, as well as their fathers, have appealed to the British Government in India, and to the authorities in England, to whom the administration of affairs in India has been confided; but your Petitioners and their fathers, in spite of their acknowledged rights as British subjects, have unhappily failed to obtain redress, which they could with all ease have pro- [illegible] for themselves had they been subjects of the Nizam's government, or the subjects of [illegible] as your Petitioners will hereinafter show; and your P[illegible]

[illegible] Merjee and Pestonjee Merjee, according to the usage of their ancestors [illegible] tions, were employed in the administration of districts in the northern C[illegible] Paishwa's dynasty. From the time the British took possession of the country, Viccajee Merjee and Pestonjee Merjee, in the very beginning, assisted the British Government in the management

management of the revenues of a portion of that part of the country, and were afterwards entrusted by that Government with the farm of land and sea customs, which they held up to 1836, when it was extended from the Candeish collectorate as far as the precincts of Goa, the Portuguese settlement. The manner in which they fulfilled this important trust has been appreciated by the Government of Bombay in one of their letters to your Petitioners' fathers, dated 28th March 1836, at the time of abolishing the land customs, in the following words: "The correctness and punctuality displayed by you in your extensive dealings with Government entitle you to every consideration." The result of these extensive dealings has been recorded by one of the officers of Government in his letter to the Revenue Commissioner, dated 31st August 1835, in the words following: "Viccajee Merjee, on the contrary, takes an honest pride in showing the extent to which, by his enterprising spirit, he has not only more than doubled the resources of Government during the short space of seven years, but accumulated for his descendants a competency; and he may well boast of never having given Government a single cause to regret their having given to him, a private individual, the management of an extent of territory, and a sum of money, never before equalled in the records of any Government;" to this your Petitioners could add many other testimonies equally pointed and conclusive. Appendix D.

In 1836, when the land customs were abolished, Viccajee Merjee and Pestonjee Merjee were of necessity unemployed, and as they were excluded from all occupation suitable to their birth, position and abilities in the British territories, they were induced to repair to the Nizam's country, which is bordering on the Bombay Presidency, with the object of increasing the cotton trade from Berar to Bombay, which they had the honour of first opening during their farm of the land and sea customs entrusted to them by the British Government. On this occasion the Nizam's minister, the late Rajah Chundoolall, repeated an offer which he had previously made, to put certain cotton districts of Berar under their management; and on their agreeing, after obtaining possession of those districts, to give loans to the Government, Viccajee Merjee and Pestonjee Merjee, according to the policy invariably pursued by the English Government in India, having no chance of obtaining employment in the British territories suitable to their rank and position, accepted the offer, and agreed to give, and did give, the loans required by the Nizam's Government, it being an express condition, on their making the said advances, that they should hold possession of certain districts in Berar.

The demands for such loans grew gradually more pressing from day to day, and in 1841 seriously alarmed your Petitioners, as well as their fathers, and those towards whom they themselves had contracted engagements, in order to obtain the means to meet the demands of the Nizam's government. However, at this time Viccajee Merjee and Pestonjee Merjee, as security for the loans made, a security in which many British subjects had a deep interest, held possession of certain of Berar districts, yielding a gross revenue of 23 lacs of Hyderabad rupees, or 200,000 *l*. On this occasion they submitted to the Nizam's Minister the circumstances which had put their credit in danger, and it was thereupon agreed, with the consent of both parties, namely, of Viccajee Merjee and Pestonjee Merjee, and the Nizam's government, that they should give up possession of nearly half of the districts then held by them, and should retain that of the other half on the condition that an instrument should be deposited in the British Residency, specifying the districts that were to remain in their possession; and that such possession should be confirmed and continued until the claims of the firm of "Pestonjee Viccajee" were liquidated in full. This arrangement was accordingly carried into effect, the instrument or deed giving effect to it bearing date the 18th October 1841, which concludes in these words, that "it has been decided by the Government that, until the liquidation of the aforesaid sum, with interest, the possession of the districts is confirmed and will be continued to him (Pestonjee Viccajee)," was deposited by the Nizam's government in the British Residency; and on the execution of such deed, the possession of nearly half of the districts held by the firm was then, and not till then, given up by them to the Nizam's government. By this arrangement your Right Honourable House will observe, that if there had been no meaning in the condition, that the instrument in question should be deposited in the British Residency for the security of the possession of the districts specified in it, which were of the gross revenue of 13 lacs of rupees, your Petitioners, as well as their fathers, would not have agreed to the arrangement specified above in preference to the actual possession of the whole of the districts, which were of the annual value of 23 lacs of rupees. The cession of the districts, yielding a revenue of 10 lacs of rupees, was solely made for the sake of obtaining what your Petitioners, as well as their fathers, considered the specific security of the British Government, or at least the recognition by that Government of the transaction.

The original instrument now lies in the British Residency, and your Petitioners' fathers were furnished with an authenticated copy of it by the Resident, "for the satisfaction of their creditors," as by himself notified to the Nizam's government in his letter of the 19th October 1841, before sending a copy to your Petitioners' fathers.

Your Right Honourable House will observe, that your Petitioners and their fathers were aware that, as British subjects, they could not have recourse to those means of resistance to the unjust violence of the Nizam which the subjects of the Nizam employ without scruple, and invariably with success, and therefore your Petitioners' fathers provided, as they conceived, for their security and the security of their creditors, by depositing the aforesaid instrument in the British Residency representing the British Government in India, and by obtaining a copy of it from the Resident under his official authentication, "for the satisfaction of their creditors."

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Now, your Petitioners beg to show how much confidence they and their creditors had in this arrangement and in this "satisfaction," and in what manner subjects of the British Crown in India have endured wrong, because they have faithfully performed their duty by claiming the mediation and relying on the protection of their own Government in preference to any attempt to obtain redress by violent resistance to the unjust and illegal conduct of the Nizam.

The financial position of the Nizam's government becoming every day more critical, by reason of continuing demands upon it for the pay of the British contingent, and for other equally urgent State purposes, while the government treasury became every day less able to meet them, the government was on several occasions obliged to have recourse to the firm of Pestonjee Viccajee, who again assisted it in its difficulties, by making the necessary advances, with a stipulation in writing, from the Nizam's government, bearing date the 5th of May 1843, in the words following: "That until the liquidation, with interest, of your claims, former and present, agreeably to the signed accounts, the possession of the said districts is confirmed and will be continued to you, of which you may rest satisfied." The last sum that was advanced by the firm was only five lacs of rupees, given to the Nizam himself, on his solemn assurance of good-will, and on his engagement to repay it in six months.

Just four months after this, towards the end of June 1845, the Nizam's government, then indebted to the firm to the extent of about 300,000 *l.*, acknowledged by the government, issued orders to its own troops to wrest the mortgaged districts from the possession of the firm: these orders were in such direct contradiction of the aforesaid arrangement and "satisfaction," that it may be asked what could have led the Nizam's government to such outrages, and breach of faith pledged to British subjects, through the mediation of the British representative, by an instrument deposited in his residency?

Your Petitioners beg to state, that the Nizam's government, instead of assigning any reason for such a breach of faith, even assured the British Resident, at the time the orders of violence were issued, by a letter, dated 30th June 1845, that the claims of the firm would be paid in cash, by six lacs of rupees annually, through the Resident, until they were liquidated, which promise, however, has never been fulfilled, but has shared the same fate as the mortgage arrangement and the "satisfaction." But your Petitioners have every reason to believe that this breach of faith on the part of the Nizam emanated from a conviction that a British subject, in consequence of his allegiance to the British Government, could not follow the example of his Highness's own subjects, and enforce justice for himself, by taking the law into his own hands.

Your Petitioners would here point out how the subjects of the Nizam compel their government to do them justice. It is a fact well known to the British Residents and officers who have resided in the Nizam's country, and of course through their reports to the Government of India, and a fact attested by a letter now in possession of your Petitioners, from the English officer in command of the contingent troops stationed in the districts, that when the Nizam's government issues orders to its own troops to sequestrate districts held by its own subjects for the liquidation of their claims on the government, they, the district holders, resist the Nizam's troops by all possible means, maintain possession of their districts, and thus compel the government to act in conformity to its engagements and agreements. During a period, dating from a year previous to the dispossession of your Petitioners from their mortgaged districts, up to the present time, such instances of the district holders offering open resistance to the Nizam's government have occurred more than ten times under the eyes of the British authorities there, a fact which your Petitioners are ready to prove, if required.

If these district holders have been able to protect their property against the violence of the Nizam, though their districts were of much less extent in value than those assigned to the firm, and being much less beloved by the inhabitants of those districts than your Petitioners' fathers, it is reasonable to suppose that your Petitioners and their fathers, who had the possession of a part of the Berar districts, yielding 13 lacs of Hyderabad rupees, or 110,000 *l.* per annum, and extending from the eastern frontier of the Nizam's territories as far as the western, could (and the fact is so) have maintained possession of the country mortgaged to them, in defiance of the illegal orders and violence of the Nizam. But the fact of their being British subjects imposed on them the necessity of submitting to wrong, instead of following the example of others, by taking the law in their own hands.

Your Petitioners' fathers, therefore, as British subjects, appealed to the British Government for protection, by a Petition, dated the 24th June 1845, at the very moment the orders of violence were issued by the Nizam's government at Hyderabad, and handed that Petition to the British representative at his Highness's court.

The Resident, before despatching the Petition to the Government of India, considered it his duty to endeavour, in the first place, to prevent the injury and wrong being inflicted on your Petitioners and their fathers, and with that view interfered by addressing a letter of remonstrance to the Nizam's government at the very time the orders of violence were issued; but it had no effect; the Resident, therefore, despatched the Petition to the Government of India for further orders, together with the copies of the correspondence on the subject.

In the meantime the Nizam's troops wrested the possession of the mortgaged districts from your Petitioners' fathers by violence and bloodshed, the particulars of which were duly [illegible] to the Resident by two letters, dated 2d and 9th August 1845, and by [illegible] the Government of India, for consideration, in continuation of the appeal which [illegible] already made.

Soon

Soon after your Petitioners and their fathers had thus been unlawfully and forcibly dispossessed of the districts formally transferred to them as security for the advances made by them to the Nizam's government, and after having had their servants remorselessly murdered (no pretext for such violence and cruelty having been afforded by resistance on their part to the troops of the Nizam), your Petitioners and their fathers had the disappointment of receiving a letter, on the 9th of August 1845, in reply to their aforesaid Petition, refusing all protection or interference on the part of the British Government.

Your Petitioners humbly implore your Right Honourable House to consider the ruinous consequences to them of this refusal on the part of the Indian Government to extend to them that protection which they humbly ventured to think they were, as British subjects, entitled to demand, and they would hope not the less so from the confidence and reliance they had always placed in the disposition, no less than in the power, of the British Government to protect all its subjects from acknowledged injury and wrong, and the consequent determination of your Petitioners, as well as their fathers, to abstain from those means of obtaining redress for themselves which would have been sanctioned by the lawless practices and customs of the Nizam's dominions, but which would have been plainly at variance with their duty and allegiance as subjects of the English Crown.

Since that period, namely, June 1845, up to the present time, namely, August 1853, your Petitioners, as well as their fathers and their creditors, being British subjects, have incessantly submitted their wrongs and claims to the consideration of the British Government, both in India and England, at the several times hereinafter stated:—

1. Petition to the Government of India from the Hyderabad firm of Pestonjee Viccajee, dated the 24th June 1845.
2. Petition to the Government of India from the Bombay firm of Viccajee Merjee, dated 7th July 1845.
3. Petition to the Government of Bombay from the Bombay firm of Viccajee Merjee, submitting the above Petition of the 7th July 1845 for transmission to the Government of India, with a recommendation on behalf of the Petitioners.
4. Petition to the Government of India from the Hyderabad firm of Pestonjee Viccajee, dated 4th March 1848.
5. Petition to the Government of India from the Hyderabad firm of Pestonjee Viccajee, dated 11th May 1848.
6. Petition to the Government of India from the Bombay creditors of the firm of Viccajee Merjee, dated 13th March 1848.
7. Petition to the Government of Bombay from the Bombay creditors of the firm of Viccajee Merjee, dated 28th February 1848.
8. Petition to the Government of India from the creditors of the firm of the Calcutta Branch, dated 15th March 1848.
9. Memorial to the Court of Directors from the Hyderabad firm of Pestonjee Viccajee, dated 9th November 1850, submitted through the Government of India.
10. Memorial to the Court of Directors from the creditors of Viccajee Merjee and Pestonjee Merjee, made on their behalf by their trustees, dated Bombay, 29th October 1850, submitted through the Government of India.
11. A brief statement of facts laid before the Court of Directors by a letter, dated London, 23d April 1851, from Jevanjee Pestonjee and Rustomjee Viccajee.
12. Petition to the Government of India from the firm of Pestonjee Viccajee, submitted by their agents in Calcutta, dated 18th February 1852.
13. Petition to the Government of India from the firm of Pestonjee Viccajee, dated 26th May 1852.
14. Memorial to the President of the Board of Control from the firm of Pestonjee Viccajee, submitted by their agents in London, accompanied with a case, dated 21st March 1853.
15. Letter to the President of the Board of Control from Jevanjee Pestonjee and Rustomjee Viccajee, dated 9th June 1853.
16. Letter to the President of the Board of Control from Jevanjee Pestonjee and Rustomjee Viccajee, dated 21st July 1853.

Nevertheless your Petitioners, as well as their fathers and their creditors, have unhappily hitherto failed in getting redress. No reason whatever is given by the President of the Board of Control for denial of protection to British subjects in India, as prayed by your Petitioners in their memorial to him; but your Petitioners believe that the argument which the Court of Directors urge is, that they have laid down a principle of non-interference in Native States in India, lest the interference of the irresistible power of the British in the weak state of the Nizam may be supposed to give the force of dictation to their representations. Your Petitioners, however, humbly submit to your Right Honourable House, that whereas in their case a very weak power has committed a very grievous wrong with perfect impunity, to which their duty, as British subjects, has compelled them to submit without resistance, it follows conclusively that if the policy adopted by the authorities in India shall be maintained, the consequence of being a subject of the British Crown in India must be, that such subject must either desist from all transactions with the go[illegible]nment of a Native or Foreign State, or must consent to be the unresisting victim of th[illegible]ence or oppression practised upon him.

Your Petitioners beg the attention of your Right Honourable House to a principle adopted by one of the most distinguished men whom India has ever produced, namely, Lord

Appendix D.

Lord Metcalfe, who held the office of British Resident at the Court of Hyderabad, and with whose views and opinions none of the authorities of his time, either in India or in England, were known to differ. Lord Metcalfe, when Resident at Hyderabad, wrote in a despatch, dated 31st August 1822, to the Government of India as follows: "I suppose our interference in his Highness's affairs to be not merely a right, but a duty, arising out of our supremacy in India, which imposes upon us the obligation of maintaining the tranquillity of all countries connected with us, and consequently of protecting the people from oppression, as no less necessary than the guaranteeing their rulers against revolution."—"Interference in the internal concerns of States under our protection is neither desirable nor generous when it can be avoided, and should only then be resorted to when it is clearly necessary for the preservation of the people from the misery and destruction which must ever attend oppression and misrule."—"In every case where we support the ruling power, but more especially in such a case as that last described (supporting the minister of the Nizam), we become responsible, in a great measure, for the acts of the government, and if they are hurtful to the people, we aid in inflicting the injury." Your Right Honourable House will further observe, that the Court of Directors, in their despatch to the Government of India, dated 21st January 1824, have issued instructions in the words following: "We agree with Sir Charles Metcalfe, that 'a system of non-interference, founded on regard to the rights of an independent Sovereign, if practicable under the circumstances of our intimate connection with the Nizam's government, would have great and decided advantages, and is that which we ought to endeavour to establish, provided always that the irresistible strength which our protection affords to the government be not converted to the oppression of the people.' The concluding consideration in the foregoing passage is most important, and constitutes in our mind the strongest objection against our withdrawing from all interference in the concerns of a government which we are bound by treaty to protect, however tyrannical and oppressive may be its proceedings." Such was the policy of the authorities in India and in England, based upon sound, moderate and just principles, while Lord Metcalfe was in India; and your Petitioners do not hesitate to state the subsequent deviation by the Court of Directors from the very principle laid down by a statesman of great experience and undoubted ability in the organization of Indian politics, and adopted by the authorities of his time in India and in England, has been the very direct and immediate cause of anarchy, oppression and tyranny over millions of human beings in that country, whose only refuge, when intolerably oppressed, is in emigration or insurrection, the former of which they sometimes adopt with the greatest pain, and the latter of which they could not, and dare not have recourse to, whilst their Sovereign and his government are supported by the irresistible power of the British. It is clear that the experience and knowledge of that great and good man, Lord Metcalfe, acquired and formed upon the spot, as well as that of those who concurred with him, have had no weight with the authorities situated at so great a distance who have latterly laid down the principle of non-interference, even in cases of the utmost hardship, such as that of your Petitioners. However this principle may be defended as a general rule, it will be found, if invariably carried out, to be based on unwise and unjust presumptions, and to sanction indirectly acts of oppression and of wrong, utterly repugnant to the spirit and practice of English Government.

It may be said, that as your Petitioners and their fathers hazarded their fortunes in a foreign State, they must run the risk and abide by the consequences arising therefrom. Your Petitioners humbly beg to assure your Right Honourable House that nothing but the invariable internal policy of the English in India which deprived them from having any share in the government of their own country as enjoyed by their ancestors, induced them to leave their native land, the Bombay Presidency, and hazard their fortunes in a foreign State; that there your Petitioners did not give loans on mere drafts upon revenues, but solely upon the security and possession of certain landed property; and if when there, while your Petitioners are under the duty of allegiance to the British Government, at the same time they are denied protection in return for that allegiance, for the sake of the external policy now laid down by the Court of Directors, the condition of the natives of India under the British rule could not be better, but would be worse than slavery elsewhere, which the English Government have so long endeavoured to abolish.

Your Petitioners need not remark how much more in this case the interests of the rulers of British India have been thought of than their duty in respect to the subjects under their rule. The duty of allegiance is enforced against British subjects by their rulers; instead, however, of giving them protection in return, the rulers of British India in 1851 did actually enforce from the Nizam, by means of intimidation and threat of confiscating his territory (which included nearly two-thirds of the districts mortgaged by the Nizam's government to your Petitioners' fathers) a payment in cash of about 333,000 *l.* on account of the debt due to the East India Company, by the Nizam, a debt incurred for a purpose similar to that of the claims of your Petitioners, viz., the pay of the British contingent, and thus, in preference to fulfilling the most solemn duty imposed on every State, and which binds it to its subjects in consideration of their allegiance, the British Government paid themselves. Not only so, but the last mail from India has brought intelligence which exhibits the conduct of the rulers of British India towards their subjects in a still more striking light. It is to the effect, that on account of the arrears and claims for the pay of the British contingent, the Governor-general has demanded from the Nizam (to which demand his Highness has acceded) a cession of that part of his territories, viz., the Berar Valley, which includes two-thirds of the districts mortgaged by the Nizam's government to your Petitioners' fathers. These districts were placed in their uncontrolled possession; upon them they gave loans to his Highness; and when they were deprived of them by violence, your Petitioners and their fathers,

fathers, as British subjects, have incessantly appealed to the British Government in India and in England for restitution and redress. The Government being fully and minutely acquainted with all the facts of this remarkable case, has deliberately thought it just and proper to pursue the course of paying themselves by the seizure of the property mortgaged to its own subjects, a course which would have been impossible, had it not been for the irresistible power vested in the hands of the rulers of British India by the British Crown and Legislature, but who are by their constitution responsible for the ill use of that power.

If anything could add to the sense of injustice under which your Petitioners, as well as their fathers and their creditors, are now labouring, it would be found in the fact, that the advances in exchange for which they received security by a mortgage on the districts in question were almost entirely required for and spent in the payment of the British troops, as the bills now in the hands of the firm signed by the officers in command prove beyond dispute. This money was advanced at a most critical period before the war in Affghanistan, and during that war. The refusal of the advance by the firm of Pestonjee Viccajee would beyond all doubt have provoked a mutiny, and the consequences of that mutiny would have been most serious and full of danger to British interests; and now the East India Company, whose troops have been paid by the money advanced by Pestonjee Viccajee, has taken possession of a large portion of the district mortgaged to Pestonjee Viccajee, for the repayment of those advances, and refuses to pay any portion of the debt secured upon those very districts.

These are the facts which are submitted to the mature and deliberate consideration of your Right Honourable House, and which will be found to prove,—

First. That your Petitioners and their fathers are acknowledged subjects of the British Crown in India, and therefore bound by the duty of allegiance to the British Government.

Secondly. That they are denied protection, and that the property mortgaged to them, after being plundered by the Nizam, is arbitrarily taken possession of by the British Government, in payment of their own claims. To preserve the rights and property of your Petitioners inviolate, they should either receive protection from those who claim their allegiance, or they should be allowed to protect themselves. Your Petitioners are confident that they could do so by following the example of the subjects of the Nizam. But before taking the law into their own hands, your Petitioners, as loyal subjects of the British Crown, consider themselves in duty bound to have the question of their allegiance settled; and they desire, as a bare act of justice, to be informed, whether they can proceed to enforce their own claims on the Nizam, (and if necessary, by violent means), without being guilty of a misdemeanor, and being liable to punishment for violation of the law. If your Petitioners follow the example of the Nizam's subjects, it may excite revolt, and it may possibly disturb the peace and tranquillity of the neighbouring British provinces; for when hostilities once begin, no one knows where they will end.

Your Petitioners are therefore unhappily constrained, in their last extremity, to lay their humble Petition for assistance and redress before your Right Honourable House, and to pray that, if the British Government have a right to claim the allegiance of your Petitioners and their fathers to their laws, they should reinstate your Petitioners, as well as their fathers, in possession of the districts solemnly pledged and assigned to them, with all the rights as vested in them at the time when the Nizam, by violence, and a military force, dispossessed them, or that the British Government should allow your Petitioners and their fathers to follow the example of others in taking the law into their own hands; and that the British Government should not interfere in the matter whilst your Petitioners and their fathers thus seek redress for wrongs, and attempt to repair the injuries done them. And your Petitioners humbly pray for such further assistance and redress as your Right Honourable House may think fit to grant.

And your Petitioners, as in duty bound, will ever pray.

(signed) JEVANJEE PESTONJEE.
RUSTOMJEE VICCAJEE.

11, South Bank, Regent's Park, London,
6 August 1853.